

**Town  
of  
ROCKLAND  
  
ZONING BYLAWS**

**GENERAL  
CODE**

**Chapters Combined**

Consisting of:

Chapter 397, Toxic and Hazardous Materials

Chapter 407, Wetlands

Chapter 415, Zoning

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## Chapter 397

### TOXIC AND HAZARDOUS MATERIALS

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[HISTORY: Adopted 4-7-1986 ATM, Art. 49 (Section V, J, of the 5-1-2005 printing of the Zoning Bylaws). Amendments noted where applicable.]

#### GENERAL REFERENCES

Zoning- See Ch. 415.

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#### § 397-1. Prohibitions.

- A. The discharge of toxic or hazardous materials within the Town of Rockland is prohibited.
- B. Outdoor storage of toxic or hazardous materials is prohibited, except in product-tight containers which are protected from the elements, leakage, accidental damage, and vandalism, and which are stored in accordance with all applicable requirements of § 397-2 of this bylaw. For purposes of this subsection, road salts and fertilizer shall be considered as hazardous materials.

#### § 397-2. Storage controls, registration and inventory.

- A. Except as exempted below, every owner, and every operator other than an owner, of a site at which toxic or hazardous materials are stored in a cumulative quantity totaling at any time more than 50 gallons liquid volume or 25 pounds dry weight, shall register with the Municipal Coordinator the types and qualities of materials stored, location and method of storage. The Municipal Coordinator will require that an inventory of such materials be maintained on the premises. Registration required by this subsection shall be submitted within 60 days of the effective date of this bylaw, and annually thereafter. Exemptions: registration and inventory requirements shall not apply to the following:
  - (1) Fuel oil stored in conformance with Massachusetts Fire Prevention Regulations and regulations of the Rockland Board of Health for the purpose of heating buildings located on the site; or
  - (2) The storage of toxic and hazardous materials at a single-family or two-family dwelling, except where such materials are stored for use associated with a professional or home occupation use, as defined by § 415-37 of the Zoning Bylaws of the Town of Rockland.

- B. Toxic or hazardous wastes shall be held on the premises in product-tight containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, MGL c. 21C.
- C. The Municipal Coordinator may require that containers of toxic or hazardous materials be stored on an impervious, chemical-resistant surface compatible with the material being stored, and that provisions be made to contain the product in the case of accidental spillage or vandalism.

**§ 397-3. Report of spills and leaks.**

Every person having knowledge of a spill, leak, or other loss of toxic or hazardous materials believed to be in excess of 10 gallons shall immediately report the spill or loss of same to the Municipal Coordinator or other public safety official.

**§ 397-4. Enforcement.**

- A. The provisions of this bylaw shall be enforced by the Municipal Coordinator or Zoning Enforcement Officer. The agent of the Municipal Coordinator may, according to law, enter upon any premises at any reasonable time to inspect for compliance.
- B. Upon request of an agent of the Municipal Coordinator, the owner or operator of any premises at which toxic or hazardous materials are used or stored shall furnish all information required to enforce and monitor compliance with this bylaw, including a complete list of all chemicals, pesticides, fuels and other toxic or hazardous materials used or stored on the premises, a description of measures taken to protect storage containers from vandalism, corrosion and spillage, and the means of disposal of all toxic or hazardous wastes produced on the site, per the Massachusetts Right to Know Law.\* A sample of wastewater disposed to on-site septic systems drywells, or sewage treatment systems may be required by the agent of the Municipal Coordinator.
- C. All records pertaining to storage, removal and disposal of toxic or hazardous materials shall be retained by the owner or operator for no less than three years, and shall be made available for review upon the request of the agent of the Municipal Coordinator.
- D. Certification of conformance with the requirements of this bylaw by the Municipal Coordinator shall be required prior to issuance of construction and occupancy permits for any nonresidential uses.

**§ 397-5. Violations and penalties.**

Penalty for failure to comply with any provisions of this bylaw shall be \$300 per day of violation.

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\* Editor's Note: See MGL c.111F

## **§ 397-6. Definitions.**

### **DISCHARGE-**

- A. The term "discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of toxic or hazardous material upon or into any land or waters of the Town of Rockland. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems, and disposal of such materials from failed or discarded containers or storage systems, and disposal of such materials into any on-site sewage disposal system, drywell, catch basin or unapproved landfill.
- B. The term, "discharge," as used and applied in this bylaw does not include the following:
  - (1) Proper disposal of any material in a sanitary or industrial landfill that has received and maintained all necessary legal approvals for that purpose;
  - (2) Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board;
  - (3) Application of road salts in conformance with the Snow and Ice Control Program of the Massachusetts Department of Public Works; and
  - (4) Disposal of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by Title 5 of the Massachusetts Environmental Code.

### **TOXIC OR HAZARDOUS MATERIALS**

- A. The term "toxic or hazardous material" means any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged in this Town. "Toxic or hazardous materials" include, without limitation organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners.
- B. The Municipal Coordinator may, consistent with this definition, and by authority of MGL c. 111, § 31, issue regulations further identifying specific materials and activities involving the use of materials which are toxic or hazardous.

## **§ 397 - 7. Severability.**

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

## **§ 397-8. Purposes and intent.**

- A. The groundwater underlying this Town is a source of its existing and future water supply, including drinking water;

- B. Accidental spills and discharges of petroleum products and other toxic and hazardous materials have threatened the quality of such groundwater supplies and related water resources, posing potential public health and safety hazards and threatening economic losses to the affected communities;
- C. Unless preventive measures are adopted to prohibit discharge of toxic and hazardous materials and to control their storage within the Town, further spills occur, and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population, and vehicular traffic in the Town of Rockland.

## Chapter 407

### WETLANDS

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[HISTORY: Adopted 4-7-1986 ATM, Art. 42 (Section V, K, of the 5-1-2005 printing of the Zoning Bylaws). Amendments noted where applicable.]

#### GENERAL REFERENCES

Zoning- See Ch. 415.

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#### § 407-1. Purpose.

This bylaw is proposed to protect the wetlands of the Town of Rockland, by incorporating herein the procedures set forth in the Massachusetts Wetlands Protection Act\* and by the Department of Environmental Quality Engineering, and by controlling the activities deemed to have significant effect upon wetland values, including but not limited to public or private water supply, ground water, flood control, erosion control, storm damage prevention, water pollution, wildlife, recreation, and aesthetics.

#### § 407-2. Notice of intent.

No person shall remove, fill, dredge, alter, or build upon or within 100 feet of any area as defined in the Act without filing a Notice of Intent with the Rockland Conservation Commission. Such notice must be filed pursuant to MGL c. 131, § 40, and be sent by Certified Mail to the Rockland Conservation Commission and the Department of Environmental Quality Engineering, Southeast Region. A filing fee of \$25, payable to the Town of Rockland, must accompany the Notice of Intent when it is submitted to the Commission.

#### § 407-3. Hearing.

- A. The Commission shall hold a public hearing on the Notice of Intent within 21 days of receipt. Notice of the time and place of the hearing shall be given by the Commission, at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in the Town of Rockland, and by posting in the Rockland Town Office.

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\*Editor's Note: See MGL c. 131, §§ 40 and 40A.

- B. The applicant shall notify all abutters of the date, time, reason for the hearing, name and address of the owner and a description of the property sufficient for identification, at least five days prior to the hearing by return receipt mail. The Rockland Assessor's Office shall list abutters to be notified for the property in question, at the request of the applicant, using procedures and costs as in effect at the time of request.
- C. The applicant must show the following at the time of the public hearing:
  - (1) Receipts of mailings to abutters.
  - (2) Vested interest in the property, such as:
    - (a) Deed.
    - (b) Purchase and sale agreement.
    - (c) Notarized statement from owner.
  - (3) Plans and water calculations with a P.E. or R.L.S. stamp if applicable.
- D. The Commission, its agents, officers, and employees may enter upon privately owned land for the purpose of performing their duties under this bylaw.

**§ 407-4. Order of conditions; notice of non-significance.**

- A. If, at the public hearing the applicant's proposal is approved, the Commission will, within 21 days, issue its order, listing conditions as determined necessary or desirable for protection of the Town of Rockland and the general population. This Order of Conditions will remain in force for three years from its issuance, unless renewed. All work must be completed while the Order is in force.
- B. If, in the opinion of a majority of the Commission, there is a question as to the reliability and/or feasibility of the plans, water calculations, or site work described in those plans, the Commission may, at the expense of the applicant, require another engineer to review plans and calculations, or perform field inspections, or both. The Commission may require a bond or other security prior to project commencement.
- C. The land, site, property, parcel, subdivision, lot, or area addressed in the Order of Conditions as being under the protection of the Massachusetts Wetlands Protection Act\* will remain under the full protection of the Act and any site preparation, construction, or work not addressed in the Order of Conditions shall be in violation of the Act. All work on those portions of the land not related to the Act may proceed as long as such work has no adverse impact on the land or area (including drainage to or from such areas) described in the Order of Conditions. Where there is a question as to adverse impact, the Rockland Conservation Commission will make the determination of applicability by means of a site inspection. Work in such areas may proceed only after a written approval by the Commission.
- D. If, at the public hearing the Commission determines that the area which is the subject of Notice is not significant to the interests protected by this bylaw, or that the proposed work does not require

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\*Editor's Note: See MGL c. 131, §§ 40 and 40A.

the imposition of conditions, the Commission shall issue a Notice of Non-significance. Should such a permit be issued, all work must conform to the plans shown at the public hearing. Any change or alteration will require a new filing.

**§ 407-5. Pre-acquisition violation.**

Any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw, or in violation of any permits issued pursuant to this bylaw, shall forthwith comply with any such order or restore such land to its condition prior to any such violation.

**§ 407-6. Burden of proof.**

The applicant shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. Failure to provide such evidence shall be sufficient cause for the Commission to deny such application.

**§ 407-7. Enforcement.**

In addition to all of the enforcement provisions and remedies established under the Act, the Conservation Commission Enforcement Officer for the Town of Rockland shall be charged with enforcement duties under these bylaws. Moreover, the Zoning Enforcement Officer shall not sign a Building Permit or Certificate of Occupancy Permit for any structure upon land wherein an Order of Conditions is in effect without written consent of the Conservation Commission.

**§ 407-8. Severability.**

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

**§ 407-9. Definitions.**

ACT - Massachusetts Wetlands Protection Act.

APPLICANT - Person or his/her agent making request.

COMMISSION - Rockland Conservation Commission.

NOTICE- Notice of Intent.

ORDER - Order of Conditions.

P.E. – Professional Engineer.

PERSON – Applicant or his/her agent making request.

R.L.S. – Registered Land Surveyor





## Chapter 415

### ZONING

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##### Lots That Front on Multiple Roadways

[HISTORY: Adopted 3-4-1958 ATM, Art. 55; printed as compiled in 1993 (source document: 5-1-2005 printing). Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Self-service gasoline systems- See Ch. 226.  
Mobile home parks - See Ch. 288.  
Abandoned vehicles - See Ch. 366.

Toxic and hazardous materials - See Ch. 397.  
Wetlands -See Ch. 407.

#### ARTICLE I

##### Purpose

##### § 415-1. Purpose.

The purpose of this Zoning Bylaw is to provide for the Town of Rockland the protections and benefits authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A and any amendments thereto. This bylaw establishes comprehensive regulations governing the development of land in Rockland to protect, promote, and improve the public health, safety and general welfare of the people.

#### ARTICLE II

##### Definitions

##### § 415-2. Definitions and word usage.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Bylaw. Words used in the present tense include the future; the singular number shall include the plural; the plural the singular, and the word "shall" is mandatory, not directive. Words not specifically defined below shall be as defined in normal usage.

**ACCESSORY USE OR STRUCTURE** - A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**APARTMENT** - A portion of a building equipped with housekeeping facilities and used as a dwelling unit, for which periodic compensation is paid and which is occupied by a person other than the legal owner;

**APPROVED LOT FRONTAGE** – Frontage measurement that shall be measured contiguously along the front lot line from sideline to sideline. Approved lot frontage as it pertains to traditional corner lots, dual corner lots and enclosed lots shall be measured in accordance with Figures 1, 2, and 3\* accordingly. **[Added 5-2-2011 ATM, Art. 46]**

**AVERAGE GRADE PLANE** – A reference plane for a building or structure as a whole representing the average of finished ground level adjoining the building or structure at all exterior walls. In calculating said reference plane, the elevation of each point used to calculate said average shall be determined by using the lowest elevation of finished ground level within the area immediately adjoining the building or structure and either the lot line or a point six feet from the building or structure, whichever is closer to the building or structure. **[Added 5-2-2011 ATM, Art.46]**

**BASEMENT** - A story having a part, but not more than 1/2 of its height below grade. A basement is counted for the purpose of height regulations.

**BOARD OF APPEALS** - As defined and regulated in § 415-91 of this bylaw.**[Amended 5-5-2008 ATM, Art. 42]**

**BOARDING HOUSE** - A dwelling other than a hotel, where for compensation by prearrangement for definite periods, lodging and meals are provided for three or more persons.

**BUILDING** - A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, or property.

**BUILDING HEIGHT** - Building height shall be measured from the calculated average grade plane to the highest point of the building's roof. **[Amended 5-12-2003 ATM, Art. 50] [Amended 5-2-2011 ATM, Art. 46]**

**BUILDING, PRINCIPAL**- A structure in which the principal use of a site is conducted.

**CELLAR** - That space of a building that is partly or entirely below grade, which has more than 1/2 of its height below grade.

**CLUB, PRIVATE** - A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit to render a service which is customarily carried on as a business.

**DIMENSIONAL BUILDING ENVELOPE** – The maximum three-dimensional space on a lot within which a primary structure can be built as permitted by height and setback requirements. **[Added 5-2-2011 ATM, Art. 46]**

**DWELLING UNIT** - One or more rooms designed for occupancy by one family that includes kitchen, sanitary and living facilities.

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\* Editor's Note: Figures 1, 2 and 3 are included at the end of this chapter.

**EXTENDED STAY LODGING**- A hotel, motel or guest quarters that offers rooms by the day, week or longer to transient guests, which rooms may contain kitchenette facilities. Such kitchenette facilities may include a refrigerator, two burner stove, without oven, a microwave oven, dishwasher and sink. **[Added 5-13-2002 ATM, Art. 36]**

**FAMILY** - A household constituting a single housekeeping unit occupied by one or more persons.

**FLOOR AREA** - The gross horizontal area of all floors (excluding area used for parking) within the exterior walls of a building.

**FRONTAGE LOCATION** – In the case that the approved lot frontage is not readily determinable, a decision by the Building Department is required. This pertains to existing and proposed building lots. **[Added 5-2-2011 ATM, Art. 46]**

**FRONTAGE, STREET** - The total linear footage of property immediately adjacent to existing streets.

**GARAGE, PRIVATE** - An accessory building designed or used for the storage of automobiles.

**GRADE** - The average level of the finished ground surface immediately adjacent to the exterior walls of the building.

**HALF STORY** – A floor level situated wholly or partially under a sloping roof, suitable for any use permitted in the zoning district, in which the ceiling area (in plan projection), at a height of at least seven feet three inches above the finished floor is not more than ½ the area of the floor level next below. **[Added 5-2-2011 ATM, Art. 46]**

**HOSPITAL**- A building having room facilities for more than one overnight patient, used for providing on-the-premises medical or surgical care for the sick or injured human being, together with all related facilities.

**HOME OCCUPATION**- As defined and regulated in § 415-37 of this bylaw. **[Added 5-5-2008 ATM, Art. 42]**

**HOTEL/MOTEL** - A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation.

**INSTITUTION, PUBLIC** - A building occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on nonprofit functions of a public or semi-public nature, such as hospitals, schools, churches, fraternal orders, and orphanages.

**JUNKYARD** - Land, with or without building, primarily used for the outside storage of used and or discarded materials (including but not limited to wastepaper, rags, metal, building materials, and vehicles) for processing, salvage, sale or other disposition.

**KENNEL**- Every pack or collection of more than three dogs over 3 months old on a single premises irrespective of the purpose for which they are maintained. **[Amended 5-6-2013 ATM, Art. 33]**

A. **COMMERCIAL KENNEL**- A pack or collection of more than three dogs over 3 months old on a single premises, whether maintained for breeding, boarding, sale, training, grooming, or other purposes and including any shop where dogs are on sale. A Use Allowed only by Special Permit from the Zoning Board in R-1, R-2, R-3, R-4, B-2, I-1 I-2, I-3, I-4, H-1 Zones. **[Added 5-7-2012 ATM, Art 50] [Amended 5-6-2013 ATM, Art. 33]**

B. NON-COMMERCIAL Kennel- A pack collection of more than four dogs more than 3 months old kept at, in, or adjoining a private residence for the hobby of the householder in connection with hunting, tracking, exhibition in dog shows, or field or obedience trials, provided the householder does not regularly engage in boarding, dog sitting, breeding or the purchase and sale of dogs for profit. A Use Allowed as of Right in a Residential Zone. **[Added 5-7-2012 ATM, Art. 50]** **[Amended 5-6-2013 ATM, Art. 33]** **[Amended 6-5-2013 ATM, Art. 44]**

LOT - A plot, tract, or parcel of land intended for transfer of ownership, use or improvement.

A. LOT, CORNER - A lot abutting two or more streets at their intersection.

B. LOT, DEPTH – Lot depth shall be measured by a line beginning at the midpoint of the approved frontage and running at a ninety-degree angle continuing until it intersects with either a side or rear lot line. **[Added 5-2-2011 ATM, Art. 46]**

C. LOT LINES - The property lines bounding the lot.

(1) LOT LINE, FRONT - The lot line separating the lot from the street which serves as the primary means of access to the property or lot.

(2) LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

(3) LOT LINE, SIDE- Any lot line other than the front or rear lot line.

D. LOT WIDTH - The distance between the two side lot lines measured at the required setback line.

LOT FRONTAGE – Any lot line running along the boundary line of a way, road and street whether public or private through which the buildable portion of the lot has access to that public or private way, road and or street on which it lies. **[Added 5-2-2011 ATM, Art. 46]**

LOTS THAT FRONT ON MULTIPLE ROADWAYS – Any lot that has more than one lot line that coincides with the line of a roadway whether public or private. **[Added 5-2-2011 ATM, Art. 46]**

A. Figure 1. Traditional Corner Lot – See attachment 1 at the end of Chapter 415.

B. Figure 2. Dual Corner Lot - See attachment 1 at the end of Chapter 415.

C. Figure 3. Enclosed Lot – See attachment 1 at the end of Chapter 415.

D. Figure 4. Cut Corner Lot – See attachment 1 at the end of Chapter 415.

E. Figure 5. Dual Access Lot – See attachment 1 at the end of Chapter 415.

MAJOR RETAIL BUSINESS - A retail business in the Industrial/Business District occupying at least 50,000 square feet of space within a building and located on a lot of at least five acres in area. **[Added 6-6-1994 ATM, Art. 80]**

MULTI-FAMILY DEVELOPMENT- **[Amended 5-12-2003 ATM, Art. 50]**

A. A residential development in an R-4 or B-2 zone consisting of one or more buildings containing separate dwelling units. All dwelling units in a Multi-Family Development in a B-2 District shall have a maximum of two bedrooms. The total number of units shall be determined in accordance



with § 415-22. All buildings shall comply with other applicable sections of the bylaw. Any land located in a B-2 zoning district may be used for access to or egress from a Multi-Family Development located in a B-2 zoning district.

B. A Multi-Family Development shall be allowed on land located in a B-2 District only if

- (1) the lot or lots proposed for such development have in the aggregate a minimum of five acres of contiguous land, notwithstanding § 415-22F (I) of this bylaw;
- (2) there are one or more lots abutting the lot(s) in question that are currently zoned Residence;
- (3) there are one or more lots abutting the lot(s) in question that are currently zoned Business; and
- (4) the lot(s) in question have the minimum frontage required under § 415-28 only on a street primarily used for residential purposes.

NONCONFORMING USE - The use of any building or land which was lawful at the time of passage of this bylaw, or amendment thereto, but which conflicts with the provisions of the effective zoning district designation.

NURSING HOME/REST HOME - A home for the aged and/or infirm which provides for food, shelter and care of its residents for compensation. Not included within this definition are hospitals, clinics or other medical establishments devoted primarily to the diagnosis and treatment of the sick or injured.

OFFICE - A building, room or space where clerical or administrative activities are performed.

PARKING LOT - An open area used exclusively for the temporary storage of motor vehicles where fees may be charged, but where no vehicles may be equipped, repaired, rented or sold.

PLANNED UNIT DEVELOPMENT (PUD) - A coordinated, multiple land use project developed, maintained and/or operated as a single unit by an individual, partnership, corporation or cooperative group, which features certain commonly used facilities, such as yards, open space, recreation areas, and parking areas.

RESIDENCE, MOBILE HOME - A vehicle or movable dwelling structure which is designed to be used for living or sleeping quarters.

RESIDENCE, MULTI-FAMILY- A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units, separated by vertical walls or horizontal floors un-pierced except for access to the outside or to a common cellar.

RESIDENCE, SINGLE-FAMILY - A detached building, designed for and occupied exclusively by one family, except for a mobile home as defined above.

RESIDENCE, TWO-FAMILY- A detached or semidetached building where not more than two individual family or dwelling units are separated by vertical walls or horizontal floors, un-pierced except for access to the outside or to a common cellar.

RESIDENTIAL COMMERCIAL CARE FACILITY - In single-family, two-family or multi-family residences located in any zoning district, payment of a monetary or other consideration other than normal and reasonable living and housing expenses by a third party not resident in a household to a person residing in said household in exchange for providing living quarters to another person not

related to the payee by blood or marriage shall constitute the establishment of a Residential Commercial Care Facility, and shall require the issuance of a Special Permit by the Board of Appeals.

RESIDENTIAL SENIOR HOUSING - An attached or detached building for housing seniors over the age of 55.

SHOPPING CENTER - A group of buildings of a single lot greater than five acres in size providing primarily retail services with supporting services and office establishments. For the purpose of this bylaw, similar uses on a lot less than five acres in size may be established exclusive of the "Shopping Center" requirements of this bylaw except for the Site Plan Review Process and all other requirements of this bylaw.

SIGN - A name, identification, description, display, illustration, or other visual display which is affixed to, painted on, or represented directly or indirectly upon a building, or parcel of land, which directs attention to an object, product, place, activity, person, institution, organization, or business.

SPECIAL PERMIT USE - A use ordinarily prohibited from a zoning district, but because of its unique characteristics is permitted by approval of either the Board of Appeals or the Planning Board as provided in this bylaw.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it.

STREET - A thoroughfare dedicated and accepted for public use. A way, over 24 feet in right-of-way width, which:

- A. Is a public way laid out by a governmental entity or public authority pursuant to Mass. General Laws or is shown as a public way on an official map adopted by the Town pursuant to MGL. c.41, § 81E or has been accepted by the Town as a public way; or
- B. Is shown on a plan approved and endorsed in accordance with the "Subdivision Rules and Regulations of Rockland"; and MGL C.41,§81K to81GG; or
- C. Has, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of the vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon.

UNATTENDED DONATION CONTAINERS (UDC)- Any box, building, trailer, or other receptacle that is intended for use as a collection point for donated clothing, books or other household materials, intended for use at times when no employee or representative of the sponsoring company, organization or property owner is present to accept donations. **[Added 5/7/2012 ATM, Art. 50]**

VARIANCE - An authorized departure to a minor degree from the text of this bylaw issued by the Board of Appeals in accordance with the procedure set forth in this bylaw.

WATERSHED PROTECTION DISTRICT- Any area of land designated by the Town as restricted from the use of hazardous materials, for the prevention of contamination of the ground and surface water resources which provide drinking water to the Town. See§ 415-21.

WIND ENERGY FACILITY- All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection

and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

**[Added 5-4-2009 ATM, Art. 18]**

**YARD** - An open space which lies between the principal building or group of buildings and a lot line and is unoccupied and unobstructed from the ground level upward.

- A. **YARD, FRONT**- An open space which lies between the principal building or group of buildings and the front lot line and extending the full width of the lot.
- B. **YARD, REAR** - An open space which lies between the principal building or group of buildings and the rear lot line extending the full width of the lot.
- C. **YARD, SIDE** - An open space extending from the front yard to the rear yard between the principal building or group of buildings and the nearest side lot line.

**ZONING ENFORCEMENT OFFICER** - The administrative officer charged with the duty of enforcing the provisions of this bylaw. The administrative officer charged with enforcement duties is the Town Building Inspector. For purposes of this bylaw, the terms Enforcement Officer and Building Inspector shall be considered inter-changeable.

### **ARTICLE III Establishment of Districts**

#### **§ 415-3. Districts.**

The Town of Rockland is hereby divided into the following districts:

- A. R-1 Residence;
- B. R-2 Residence;
- C. R-3 Residence;
- D. R4 Residence;
- E. RSH-1 Residential Senior Housing. **[Added 5-12-2003 A TM, Art. 8]**
- F. B-1 Business;
- G. B-2 Business;
- H. I-1 Limited Industrial;
- I. I-2 Industrial Park;
- J. I-3 Industrial/Business; **[Added 6-6-1994 ATM, Art. 80]**
- K. I-4 Industrial/Business; **[Added 5-19-1997 ATM, Art. 64]**

- L. H-1 Industrial Park-Hotel District; [Added 5-13-2002 ATM, Art. 36]
- M. Wireless Communication Services District; [Added 5-5-2008 ATM, Art. 42]
- N. WPD Watershed Protection District.

#### **§ 415-4. Zoning Map.**

The boundaries of the districts enumerated above are established as shown and defined on the Zoning District Map, adopted and included herewith. The official Zoning District Map, including all amendments, is on file with the Clerk of the Town of Rockland.

#### **§ 415-5. Interpretation of boundaries.**

- A. The district boundary lines are intended to follow municipal boundary lines, railroad rights-of-way, existing lot lines and the center lines of streets, all as shown on the Zoning District Map. Where a district boundary line does not follow such a line, its position is shown by specific dimension expressing its distance in feet from an existing street line or other boundary line as indicated.
- B. Where a district boundary line divides a lot existing at the time such line is adopted, the regulations applying to the portion of such lot in the less restricted district may be considered as extending not more than 30 feet into the more restricted portion, but only if the lot has frontage on a street in the less restricted district. The provision shall not be used to diminish the buffer zone (rear yard dimensions) requirements between residential and non-residential districts as contained in § 415-22.

#### **§ 415-6. Intent of classifications.**

Zoning district classifications have been based on the "Clustered Growth Plan Concept" of development, set forth in the Town's Planning Program. The boundaries of the zoning districts and the uses permitted within each classification are delineated with respect to the following guidelines.

##### **A. Residence Districts.**

- (1) The "R-1" district is established to protect wetland areas and relate the intensity of development to soil suitability.
- (2) To further the above objectives and to cluster development near existing areas serviced by roads, public facilities and utilities, the "R-2" and "R-3" districts have been established.
- (3) The "R-4" district relates higher development densities to areas of existing public facilities, services, and utilities, and areas most compatible with and suitable for higher density development.

- B. Business Districts. Business districts have been so designed to best relate business development to both residential and non-residential uses in accordance with the "Clustered Growth Plan Concept" and to provide for optimal opportunities for economic growth in Rockland.
- C. Industrial Districts. Industrial districts have been established to most appropriately provide for economic growth and environmental protection in the Town. The separation of heavy industrial uses from residential and related uses and the location of industry with respect to transportation facilities and existing public services are prime bases for the designation of the two industrial districts.
- D. Watershed Protection Districts. In order to prevent the contamination of the ground and surface water resources which supply the Town of Rockland with its drinking water, the Town has established areas in which the use of hazardous materials is strictly limited.
- E. Industrial Park-Hotel District. To provide in addition to the permitted uses in Zoning District I-2, Industrial Park, uses such as hotels, motels and extended stay lodging as complimentary uses in such areas. [Added 5-13-2002 ATM, Art. 36]
- F. Residential Senior Housing. To provide necessary senior housing in the Town of Rockland in order to retain valuable familial and monetary resources to the Town. [Added 5-12-2003 ATM, Art. 8]

#### ARTICLE IV Permitted Uses

##### **§ 415-7. Use of schedule; uses permitted in any district.**

- A. The following schedule delineates permitted principal and accessory uses for each zoning district classification. The schedule also includes uses which require the issuance of a special permit by either the Zoning Board of Appeals or Planning Board before establishment in a particular zoning district.
- B. The following uses although not specifically listed in the following schedule are permitted in any district:
  - (1) Agricultural, horticultural; or floricultural uses of more than five acres in size.
  - (2) Land or structures for religious purposes as described in MGL c. 40A, § 3. Land or structures within this category are subject to bulk, height, yard sizes, lot areas, setbacks, open space, parking and building coverage requirements of this bylaw.

SCHEDULE OF PERMITTED USES  
TOWN OF ROCKLAND, MASSACHUSETTS

**§ 415-8. R-1 Residence Zoning District.**

A. Permitted principal uses:

- (1) Single-family residences.
- (2) Agricultural uses, not including retail sales.
- (3) Churches or other houses of worship.
- (4) Schools.
- (5) Cemeteries.
- (6) Public parks.
- (7) Non-commercial Kennel [Added 5-7-2012 ATM, Art. 55]

B. Accessory uses:

- (1) Home occupations as permitted according to this bylaw.
- (2) Other uses customarily accessory to permitted principal uses.

C. Uses requiring special permit:

- (1) Retail sales of produce raised on premises.
- (2) Hospitals and medical/dental clinics.
- (3) Essential municipal facilities.
- (4) Country/private clubs.
- (5) Nursing/resting homes.
- (6) Planned unit developments.
- (7) Residential Commercial Care Facilities.
- (8) Municipal Facilities, including: police stations, fire stations, libraries, and municipal office.  
[Added 5-20-1996 ATM, Art. 45]
- (9) Wind Energy Facilities 60 Kw or more [Added 5-4-2009 ATM, Art 19]
- (10) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art. 20]
- (11) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-9. R-2 Residence Zoning District.**

**A. Permitted principal uses:**

- (1) Single-family residences.
- (2) Two-family residences.
- (3) Churches or other houses of worship.
- (4) Schools.
- (5) Cemeteries.
- (6) Public parks.
- (7) Non-commercial Kennel [Added 5-7-2012 ATM, Art 55]

**B. Accessory uses:**

- (1) Home occupations as permitted according to this bylaw.
- (2) Other uses customarily accessory to permitted principal uses.

**C. Uses requiring special permit:**

- (1) Riding stables.
- (2) Hospitals and medical/dental clinics.
- (3) Essential public utility facilities.
- (4) Country/private clubs.
- (5) Nursing/resting homes.
- (6) Nursery for flowers and/or plants of five acres or less in size.
- (7) Planned unit developments.
- (8) Residential Commercial Care Facilities.
- (9) Municipal Facilities, including: police stations, fire stations, libraries and municipal offices.  
[Added 5-20-1996 ATM, Art. 45]
- (10) Wind Energy Facilities less than 60Kw. [Added 5-4-2009 ATM, Art 20]
- (11) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-10. R-3 Residence Zoning District.**

**A. Permitted principal uses:**

- (1) Single-family residence.
- (2) Two-family residence.
- (3) Churches and other houses of worship.
- (4) Schools.
- (5) Cemeteries.
- (6) Public parks.
- (7) Non-commercial Kennel [Added 5-7-2012 ATM, Art 55]

**B. Accessory uses:**

- (1) Home occupations as permitted according to this bylaw.
- (2) Other uses customarily accessory to permitted principal uses.

**C. Uses requiring special permit:**

- (1) Hospitals and medical/dental clinics.
- (2) Essential public utility facilities.
- (3) Private clubs.
- (4) Nursing/resting homes.
- (5) Nursery for flowers and/or plants of five acres or less in size.
- (6) Planned unit developments.
- (7) Residential Commercial Care Facilities.
- (8) Municipal Facilities, including: police stations, fire stations, libraries, and municipal office.  
[Added 5-20-1996 ATM, Art. 45]
- (9) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art 20]
- (10) Commercial Kennel [Added 5-7-2012 ATM, Art 56]



**§ 415-11. R-4 Residence Zoning District.**

**A. Permitted principal uses:**

- (1) Single-family residence.
- (2) Two-family residence.
- (3) Multi-family residence.
- (4) Churches and other houses of worship.
- (5) Schools.
- (6) Cemeteries.
- (7) Public parks.
- (8) Non-commercial Kennel [Added 5-7-2012 ATM, Art 55]

**B. Accessory uses:**

- (1) Home occupations as permitted according to this bylaw.
- (2) Other uses customarily accessory to permitted principal uses.

**C. Uses requiring special permit:**

- (1) Hospitals and medical/dental clinics.
- (2) Essential public utility facilities.
- (3) Private clubs.
- (4) Nursing/resting homes.
- (5) Nursery for flowers and/or plants of five acres or less in size.
- (6) Boarding house.
- (7) Planned unit developments.
- (8) Residential Commercial Care Facilities.
- (9) Municipal Facilities, including: police stations, fire stations, libraries, and municipal offices.  
[Added 5-20-1996 ATM, Art. 45]
- (10) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art 20]
- (11) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-12. RSH-1 Residential Senior Housing District.**

A. Permitted principal uses:

- (1) Residential single family senior housing\*, \*\*
  - (a) \* With a minimum 10% of the units to be designated as affordable for Rockland Residents. [Added 5-12-2003 ATM, Art. 8]
  - (b) \*\* Total area minimum not less than five acres.
- (2) Churches or other houses of worship.
- (3) Schools.
- (4) Public parks.
- (5) Other uses customarily accessory to the permitted principal uses. [Amended 5-5-2008 ATM, Art. 42]
- (6) Non-commercial Kennel [Added 5-7-2012 ATM, Art 55]

B. Uses requiring a special permit:

- (1) Municipal buildings.
- (2) Planned unit developments for seniors over 55 years of age.\*
  - (a) \* With a minimum 10% of the units to be designated as affordable for Rockland Residents. [Added 5-12-2003 ATM, Art. 8]
- (3) Assisted living facilities for seniors over 55 years of age.
- (4) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art 20]

**§ 415-13. Business I Zoning District.**

A. The Business I District shall have the following schedule of uses:

(1) Permitted principal uses:

- (a) Retail businesses and commercial uses commonly associated with neighborhood and community shopping areas, such as:
  - [1] Grocery stores, food specialty shops, and supermarkets.
  - [2] Drugstores.
  - [3] Hardware stores.
  - [4] Apparel stores.

- [5] General department stores.
- [6] Appliance, home decorating and furniture stores.
- [7] Book and stationary stores.
- [8] Photographic studios and art galleries.
- (b) Personal and business service establishments such as:
  - [1] Banks.
  - [2] Professional and administrative offices and office buildings.
  - [3] Medical/dental clinics.
  - [4] Barber and beauty shops.
  - [5] Laundry and dry cleaning establishments.
  - [6] Repair shops for shoes, watches, clocks, appliances, and similar uses.
- (c) Eating establishments.
- (d) Churches and other houses of worship.
- (e) Public parks.
- (f) Governmental and/or public institutional uses.
- (g) Private clubs.
- (h) Funeral homes.
- (i) Two-family and Multi-family residences, except on or below street level floors.  
**[Amended 5-6-2013 ATM, Article 3]**
- (2) Accessory uses:
  - (a) Parking.
  - (b) Other uses customarily accessory to the permitted principal uses.
- (3) Uses requiring special permit:
  - (a) Automobile service stations and repair shops.
  - (b) Eating and/or drinking establishments where alcoholic beverages are served.
  - (c) Liquor stores.
  - (d) Essential public Utility facilities.

- (e) **[Deleted ATM 5-6-20013]**
- (f) **[Deleted ATM 5-6-20013]**
- (g) Building supply stores.
- (h) Television and radio broadcast facilities.
- (i) Hospitals.
- (j) Shopping centers.
- (k) Residential commercial care facilities.
- (l) Drive through/drive-up windows. Drive through/drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals, **[Added 5-12-2003 ATM, Art.46]**
- (m) Bowling alleys.
- (n) Video and electronic amusement halls.
- (o) Pool halls.
- (p) Miniature golf.
- (q) Roller skating rinks.
- (r) Tennis/Racquet ball facilities. **[Amended 5-12-2003 ATM, Art. 49]**
- (s) Wind energy facilities less than 60 Kw. **[Added 5-4-2009 ATM, Art. 20]**

B. The Business I District shall include that section of Town presently zoned as Business situated along the westerly side of Union Street from a point approximately 200 feet south of Rice Avenue to a point approximately 200 feet north of Payson Avenue; and along the easterly side of Union Street from a point at the northerly intersection of Exchange Street to a point approximately 100 feet north of Vernon Street.

#### **§ 415-14. Business II Zoning District.**

A. Permitted principal uses:

- (1) Retail business and commercial uses commonly associated with neighborhood and community shopping areas such as:
  - (a) Grocery stores, food specialty stores and supermarkets.
  - (b) Drugstores.
  - (c) Hardware stores.

- (d) Apparel stores.
  - (e) General department stores.
  - (f) Appliance, home decorating and furniture stores.
  - (g) Book and stationary stores.
  - (h) Photographic studios and art galleries.
- (2) Personal and business service establishments such as:
- (a) Banks.
  - (b) Professional and administrative offices and office buildings.
  - (c) Medical/dental clinics.
  - (d) Barber and beauty shops.
  - (e) Laundry and dry cleaning establishments.
  - (f) Repair shops for shoes, watches, clocks, appliances, and similar uses.
- (3) Eating establishments.
- (4) Churches and other houses of worship.
- (5) Public parks.
- (6) Governmental and/or public institutional uses.
- (7) Private clubs.
- (8) Funeral homes
- (9) Theaters and Bowling Alleys.
- (10) Nurseries for flowers and plants.
- B. Accessory uses:
- (1) Parking.
  - (2) Other uses customarily accessory to permitted principal uses.
- C. Uses requiring special permit:
- (1) Automobile service stations and repair shops.
  - (2) Eating and/or drinking establishments where alcoholic beverages are served.

- (3) Liquor stores.
- (4) Essential public utility facilities.
- (5) Automobile agencies.
- (6) Tractor, trailer and boat sales establishments.
- (7) Building supply stores.
- (8) Television and radio broadcast facilities.
- (9) Hospitals.
- (10) Shopping centers.
- (11) Residential commercial care facilities.
- (12) Tattoo and body piercing parlor provided that the parlors are licensed by the applicable state and/or local licensing authority. Further that no such parlor shall display any photographs drawings or other depictions of tattoos or body piercing on signs in the windows of or on the exterior of any such establishment. Any application for special permit shall be subject to the Performance Standards of Article X of this bylaw. **[Amended 5-14-2001 ATM, Art. 46]**
- (13) Drive through/drive-up windows. Drive through/drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals, **[Added 5-12-2003 ATM, Art.46]**
- (14) Video and electronic amusement halls.
- (15) Pool halls.
- (16) Miniature golf.
- (17) Roller skating rinks.
- (18) Tennis/Racquet ball facilities. **[Amended 5-12-2003 ATM, Art. 49]**
- (19) Multi-Family Development. **[Amended 5-12-2003 ATM, Arts. 49 and 50]**
- (20) Wind energy facilities less than 60 Kw. **[Added 5-4-2009 ATM, Art. 20]**
- (21) Commercial Kennel. **[Added 5-7-2012 ATM, Art. 56]**
- (22) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or living conditions within the Town or adjacent towns. **[Added 5-6-2013 ATM, Art. 32]**

**§ 415-15. I-1 Limited Industrial Zoning District.**

**A. Permitted principal uses:**

- (1) Professional, administrative offices and office buildings.
- (2) Banks.
- (3) Public Utility Facilities.
- (4) Warehouses and wholesale and retail distribution centers, including offices and showrooms
- (5) Art gallery, photography studio, art framing shop, antique shop. **[Added 6-6-1994 ATM, Art. 21]**

**B. Accessory uses:**

- (1) Parking.
- (2) Advertising signs and structures.
- (3) Other uses customarily accessory to permitted principal uses.

**C. Uses requiring special permit: **[Amended 5-20-1996 ATM, Art.48]****

**(1) Other limited industrial uses but not including:**

- (a) Junk and automobile salvage yards.
- (b) Cement manufacturing operations.
- (c) Petroleum storage facilities.

**(2) Commercial/recreational facilities such as:**

- (a) Bowling Establishments
  - (b) Skating Rinks
  - (c) Sports arenas; and
  - (d) Open Air Theaters
  - (e) Dance Hall.
  - (f) Other similar facilities.
- (3) Research Laboratories.
  - (4) Automobile service stations, repair shops and agencies.

- (5) Manufacturing, assemblage, processing, and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or living conditions within the Town or adjacent towns. [Amended 5-20-1996 ATM, Art. 43]
- (6) Municipal Facilities, including: police stations, fire stations, libraries, and municipal offices. [Added 5-20-1996 A TM, Art. 45]
- (7) Restaurants and coffee shops. [Added 5-20-1996 ATM, Art. 48]
- (8) Eating or drinking establishments where alcoholic beverages are served on the premises. [Added 5-20-1996 ATM, Art. 48]
- (9) Movie Theaters. [Amended 5-17-1999 ATM, Art. 35]
- (10) Tattoo and body piercing parlor provided that the parlors are licensed by the applicable state and/or local licensing authority. Further that no such parlor shall display any photographs drawings or other depictions of tattoos or body piercing on signs in the windows of or on the exterior of any such establishment. Any application for special permit shall be subject to the Performance Standards of Section VI of this bylaw. [Amended 5-14-2001 ATM, Art. 46]
- (11) Drive through/drive-up windows. Drive through or drive-up windows for any us which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals. [Added 5-12-2003 ATM, Art. 46]
- (12) (Reserved)\*
- (13) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art 20]
- (14) Commercial Kennel. [Added 5-7-2012 ATM, Art. 56]
- (15) Supermarkets and/or general retail stores. [Added 5-7-2012 ATM, Art. 62]

#### **§ 415-16. I-2 Industrial Park Zoning District.**

##### **A. Permitted principal uses:**

- (1) Professional, administrative offices and office buildings.
- (2) Warehouse and wholesale and retail distribution centers, including offices and showrooms.
- (3) Food processing, packing and storage operations.
- (4) Bottling Plants.
- (5) Banks. [Added 6-6-1994 ATM, Art. 80]

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Editor's Note: Former Subsection C(12), regarding the conversion of industrial buildings to multifamily residences, Added 5-7-2007 ATM, Art. 35, was repealed 5-2-2011 ATM, Art.35



B. Accessory uses:

- (1) Parking.
- (2) Advertising signs and structures.
- (3) Sale and service of products manufactured or assembled as a principal use.
- (4) Other uses customarily accessory to the permitted principal use.

C. Uses requiring special permit:

- (1) Other industrial uses but not including:
  - (a) Junk and automobile salvage yards.
  - (b) Cement manufacturing operations.
  - (c) Petroleum storage facilities.
- (2) Automobile truck repair shops and agencies.
- (3) Research laboratories.
- (4) Trucking terminals.
- (5) Adult Book or Video Stores or Establishments providing nude or partially nude dancing or other nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females; or Motion Picture Theaters as defined by MGL c. 40A, § 9A. [Amended 5-20-1996 ATM, Art. 47]

(a) From:

- [1] 1,000 feet of any residential district.
- [2] 2,000 feet of any other adult bookstore, adult video store, establishment providing for nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females, or any other Motion Picture Theater as defined by MGL c. 40A, § 9A.
- [3] 1,000 feet of any establishment serving alcoholic beverages which are consumed on the premises.
- [4] 1,000 feet from any park.
- [5] 5,000 feet from any school or licensed day care facility.
- [6] 1,000 feet from any place of worship.

(b) All distances shall be measured from property lines.

(c) In reviewing any application for such permit, the Zoning Board shall consider:

- [1] Traffic.
  - [2] Noise.
  - [3] The visual character of, and effect upon the neighborhood.
  - [4] Safety and security.
- (d) Any permit granted thereunder shall contain a condition that prohibits the presence of persons under the age of 18 years on the premises while any persons are nude or partially nude.
- (6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns. **[Amended 5-20-1996 ATM, Art. 43]**
  - (7) Municipal Facilities, including: police stations, fire stations, libraries, and municipal offices. **[Added 5-20-1996 A TM, Arts. 45 and 48]**
  - (8) Restaurants and coffee shops.
  - (9) Eating or drinking establishments where alcoholic beverages are served on the premises.
  - (10) Movie Theaters. **[Amended 5-17-1999 ATM, Art. 36]**
  - (11) Telecommunication towers.
  - (12) Tattoo and body piercing parlor provided that the parlors are licensed by the applicable state and/or local licensing authority. Further that no such parlor shall display any photographs drawings or other depictions of tattoos or body piercing on signs in the windows of or on the exterior of any such establishment. Any application for special permit shall be subject to the Performance Standards of Article X of this bylaw. **[Amended 5-14-2001 ATM, Art. 46]**
  - (13) Livery Business, Taxi Services, Limousine Services and any similar transportation services. **[Amended 5-13-2002 ATM, Art. 42]**
  - (14) Drive through/drive-up windows. Drive through or drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals. **[Added 5-12-2003 ATM, Art. 46]**
  - (15) Supermarkets and/or other general retail stores shall only be allowed by special permit by the Zoning Board of Appeals. **[Added 5-5-2008 ATM, Art. 4]**
  - (16) Wind Energy Facilities 60 Kw or more. **[Added 5-5-2008]**
  - (17) Wind Energy Facilities less than 60 Kw. **[Added 5-4-2009 ATM, Art 19]**
  - (18) Commercial/recreation facilities such as:
    - (a) Bowling Establishments.

- (b) Skating Rinks.
- (c) Sports Arenas.
- (d) Dance Hall.
- (e) Other Similar Facilities.

(19) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-17. I-3 Industrial/Business Zoning District.**

**A. Permitted principal uses:**

- (1) Professional, administrative offices and office buildings.
- (2) Warehouse and wholesale and retail distribution centers, including offices and showrooms.
- (3) Food processing, packing and storage operations.
- (4) Bottling Plants.
- (5) Banks.
- (6) Major Retail Business.

**B. Accessory uses:**

- (1) Parking.
- (2) Advertising signs and structures.
- (3) Sale and service of products manufactured or assembled as a principal use.
- (4) Other uses customarily accessory to the permitted principal use.

**C. Uses requiring special permit:**

- (1) Other industrial uses but not including:
  - (a) Junk and automobile salvage yards.
  - (b) Cement manufacturing operations.
  - (c) Petroleum storage facilities.
- (2) Automobile/truck repair shops and agencies.
- (3) Research Laboratories.
- (4) Trucking terminals.

- (5) Adult Book or Video Stores or Establishments providing nude or partially nude dancing or other nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females; or Motion Picture Theaters as defined by MGL c. 40A, § 9A. **[Amended 5-20-1996 ATM, Art. 47]**

(a) From:

- [1] 1,000 feet of any residential district.
- [2] 2,000 feet of any other adult bookstore, adult video store, establishment providing for nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females, or any other Motion Picture Theater as defined by MGL c. 40A, § 9A.
- [3] 1,000 feet of any establishment serving alcoholic beverages which are consumed on the premises.
- [4] 1,000 feet from any park.
- [5] 5,000 feet from any school or licensed day care facility.
- [6] 1,000 feet from any place of worship.

(b) All distances shall be measured from property lines.

(c) In reviewing any application for such permit, the Zoning Board shall consider:

- [1] Traffic.
- [2] Noise.
- [3] The visual character of, and effect upon the neighborhood.
- [4] Safety and security.

(d) Any permit granted thereunder shall contain a condition that prohibits the presence of persons under the age of 18 years on the premises while any persons are nude or partially nude.

- (6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns. **[Amended 5-20-1996 ATM, Art. 43]**

- (7) Municipal Facilities, including: police stations, fire stations, libraries, municipal offices. **[Added 5-20-1996 ATM, Arts. 45 and 48]**

- (8) Restaurants and coffee shops.

- (9) Eating or drinking establishments where alcoholic beverages are served on the premises.

- (10) Telecommunication towers.

- (11) Tattoo and body piercing parlor provided that the parlors are licensed by the applicable state and/or local licensing authority. Further that no such parlor shall display any photographs drawings or other depictions of tattoos or body piercing on signs in the windows of or on the exterior of any such establishment. Any application for special permit shall be subject to the Performance Standards of Article X of this bylaw. [Amended 5-14-2001 ATM, Art. 46]
- (12) Drive through/drive-up windows. Drive through or drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals. [Added 5-12-2003 ATM, Art. 46]
- (13) Wind Energy Facilities 60 Kw or more. [Added 5-4-2009 ATM, Art 19]
- (14) Wind Energy Facilities less than 60 Kw [Added 5-4-2009 ATM, Art 20]
- (15) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-18. I-4 Industrial/Business Zoning District. [Added 5-19-1997 ATM, Art. 64]**

**A. Permitted principal uses:**

- (1) Professional, administrative offices and office buildings;
- (2) Warehouse and wholesale and distribution centers, including offices and showrooms;
- (3) Food processing packing and storage operations;
- (4) Bottling plants;
- (5) Banks;
- (6) Day care centers;
- (7) Cemeteries, both human and pet;
- (8) Educational institutions;
- (9) Convention centers and hotels;
- (10) Funeral parlors and cemeteries;
- (11) Public utility facilities.

**B. Accessory uses:**

- (1) Parking;
- (2) Advertising signs and structures;
- (3) Sale and service of products manufactured or assembled as a principal use;

(4) Other uses customarily accessory to the permitted principal use.

C. Uses requiring special permit:

- (1) Eating and/or drinking establishments;
- (2) Research laboratories;
- (3) Sporting centers and athletic facilities;
- (4) Recreational uses;
- (5) Bus terminal and commuter parking areas;
- (6) Telecommunication towers;
- (7) Hospitals and medical centers;
- (8) Television, and radio broadcasting facilities;
- (9) Recycling centers;
- (10) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns.
- (11) Drive through/drive-up windows. Drive through or drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals. [Added 5-12-2003 ATM, Art. 46]
- (12) Wind Energy Facilities 60 Kw or more. [Added 5-4-2009 ATM, Art 19]
- (13) Wind Energy Facilities less than 60 Kw. [Added 5-4-2009 ATM, Art 20]
- (14) Commercial Kennel [Added 5-7-2012 ATM, Art 56]

**§ 415-19. H-1 Industrial Park-Hotel District. [Added 5-13-2002 ATM, Art. 36]**

Uses permitted in Zoning District H-1 shall be subject to all provisions of the Zoning bylaw that apply to Zoning District I-2, Industrial Park.

A. Permitted principal uses:

- (1) Professional, administrative offices and office buildings.
- (2) Warehouse and wholesale and retail distribution centers, including offices and showrooms.
- (3) Food processing, packing and storage operations.
- (4) Bottling plants.

- (5) Banks.

B. Accessory uses:

- (1) Parking.
- (2) Advertising signs and structures.
- (3) Sale and service of products manufactured or assembled as a principal use.
- (4) Other uses customarily accessory to the permitted principal use.

C. Uses requiring special permit:

- (1) Other industrial uses, but not including:
  - (a) Junk and automobile salvage yards.
  - (b) Cement manufacturing operations.
  - (c) Petroleum storage facilities.
- (2) Automobile truck repair shops and agencies.
- (3) Research laboratories.
- (4) Trucking terminals.
- (5) Adult Book or Video Stores or Establishments providing nude or partially nude dancing or other nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females; or Motion Picture Theaters as defined by MGL c. 40A, § 9A.

(a) From:

- [1] 1,000 feet of any residential district.
- [2] 2,000 feet of any other adult bookstore, adult video store, establishment providing for nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females, or any other Motion Picture Theater as defined by MGL c. 40A, § 9A.
- [3] 1,000 feet of any establishment serving alcoholic beverages which are consumed on the premises.
- [4] 1,000 feet from any park.
- [5] 5,000 feet from any school or licensed day care facility.
- [6] 1,000 feet from any place of worship.

- (b) All distances shall be measured from property lines.
- (c) In reviewing any application for such permit, the Zoning Board shall consider:
  - [1] Traffic.
  - [2] Noise.
  - [3] The visual character of, and effect upon the neighborhood.
  - [ 4] Safety and security
- (d) Any permit granted thereunder shall contain a condition that prohibits the presence of persons under the age of 18 years on the premises while any persons are nude or partially nude.
- (6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns.
- (7) Municipal facilities, including: police stations, fire stations, libraries and municipal offices.
- (8) Restaurants and coffee shops.
- (9) Eating or drinking establishments where alcoholic beverages are served on the premises.
- (10) Movie theaters.
- (11) Telecommunication towers.
- (12) Hotel, Motel and Extended Stay Lodging.
- (13) Drive through/drive-up windows. Drive through or drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals. **[Added 5-12-2003 ATM, Art. 46]**
- (14) Liquor stores. **[Added 5-5-2008 ATM, Art. 5]**
- (15) Wind Energy Facilities less than 60 Kw. **[Added 5-4-2009 ATM, Art 20]**
- (16) Commercial Kennel **[Added 5-7-2012 ATM, Art 56]**

**§ 415-20. Wireless Communications Services District. [Added 5-17-1999 ATM, Art. 34]**

- A. Purpose. The purpose of this section is to establish a district in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare. The purpose of this bylaw is also to establish appropriate siting criteria and standards for communications towers and facilities, including, but not limited to radio, television, and cellular communications. This bylaw is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town and to accommodate



the need for the minimum possible number of such facilities within the Town. Specifically, the Wireless Communications Services District has been created to a) protect the general public from hazards associated with wireless communications facilities; b) minimize visual impacts from wireless communications facilities on districts within Rockland and to preserve scenic views to and from the Town's roadways, open space, recreational areas and waterways; c) allow the provisions of necessary wireless communications services; and d) promote shared use of facilities to minimize the need for additional facilities. This section does not apply to satellite dishes and antennas for residential use.

B. Description of areas included in the Wireless Communications Services District:

- (1) The Wireless Communications Services District shall include all land located in the I-2, I-3 and I-4 Zoning Districts.
- (2) The Wireless Communications Services District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

C. Special Permit Granting Authority. For the purpose of this bylaw the Board of Appeals shall be the Special Permit Granting Authority (hereinafter referred to as the "SPGA").

D. Use restrictions. A wireless communications facility (including antennas and accessory structures, if any) or devices (including antennas or satellite dishes) may be erected in a Wireless Communications Services District upon the issuance of a special permit by the SPGA pursuant to Article 8, Section 80\* and MGL c. 40A, subject to all of the following conditions:

- (1) The only wireless communications structures allowed are free-standing monopoles, with associated antennas and/or panels. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. Wireless \*.  
communications devices such as antennas, dishes and panels, mounted on or in a building or structure, are also allowed.
- (2) To the extent feasible, all service providers shall co-locate on a single facility. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical, taking into account relevant matters, such as, for example, height limits, current and future technology. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
- (3) Any proposed extension in the height, addition of cells, antennas, dishes or panels, construction of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the Special Permit.
- (4) New facilities shall be considered by the SPGA only upon a finding by the SPGA that existing or approved facilities or facilities under construction cannot accommodate the wireless communications equipment planned for the proposed facility.
- (5) In no event shall any monopole be located closer than two miles to any other such facility except upon a specific finding that such shorter distance does not derogate from the intent of this bylaw.

- (6) Subject to such other limitations as expressed in this bylaw, no facility or attached accessory antenna shall exceed 50 feet in height as measured from ground level at the base of the facility except upon a specific finding that such greater height is necessary and does not derogate from the intent of this bylaw.
- (7) All facilities shall be designed to be constructed at the maximum height of 175 feet.  
[Amended 5-2-2011 ATM, Art. 36]
- (8) A monopole shall not be erected nearer to any property line than a distance equal to  $\frac{1}{2}$  the vertical height of the facility (inclusive of any appurtenant devices).  
[Amended 5-2-2011 ATM, Art. 37]
- (9) A monopole shall not be erected nearer to a residential lot line than 500 feet except upon a specific finding that such shorter distance does not derogate from the intent of this bylaw. [Amended 5-5-2008 ATM, Art. 42]
- (10) Siting shall be such that the view of the facility from adjacent abutters, residential neighbors and others areas of Town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.
- (11) Wireless communications facilities shall be suitably screened from abutters and residential neighborhoods.
- (12) Fencing, as appropriate, shall be provided to control access to Wireless communications facilities and shall be compatible with the scenic character of the Town.
- (13) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (14) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. The aggregate of the signs shall not exceed three square feet.
- (15) Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the Federal Aviation Administration (FAA).
- (16) There shall be a minimum of one parking space for each monopole, and be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles. The parking space shall measure nine feet by 20 feet.
- (17) To the extent technologically feasible, all network interconnections and utilities from the facility shall be via underground land lines and underground connections.
- (18) Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the Town to conduct wireless communications services on municipally owned property.
- (19) Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.

- (20) Satellite dishes, panels and/or antennas may be located on or in structures or may be freestanding.
- (21) Satellite dishes, panels and/or antennas shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes, panels or antennas shall be located on the landscape in such manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
- (22) Antennas, panels or dishes located on a structure shall not exceed 10 feet in height above the level of its attachment to the structure.
- (23) Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute, including structural integrity certification by a professional registered engineer and required maintenance, shall be filed with the Building Commissioner by the Special Permit holder.
- (24) All unused facilities or parts thereof or accessory facilities and structures which have not been used for one-year shall be dismantled and removed at the owner's expense. The Special Permit holder shall file and maintain in effect a bond ensuring that the facilities shall be removed as provided for hereunder or when its use has been discontinued. Said bond shall be from a company authorized to do business in Massachusetts and shall be subject to the approval of the Town. This shall be a condition of the Special Permit and shall be filed prior to the issuance of the building permit.
  - (a) Sample bond. All wireless communication companies shall provide to the Town of Rockland a bond in the amount of \$250,000 to guarantee any and all obligations regarding the installation, operation and removal of such facility. Such bond shall remain in full force and effect for the life of said operation.
- (25) Silver paint or galvanized finish shall be used on the tower above the tree line to blend with the landscape. Green paint to blend with the landscape shall be used to the tree line. A cellular tower constructed within 100 feet of a residential district shall be camouflaged.

E. Procedure for a special permit:

- (1) All applications for wireless communications facilities, including towers, antennas, panels or satellite dishes shall be made and filed on the applicable application forms for site plan, design review and special permit in compliance with the application instructions. In addition to the requirements for Site Plan Review under Article VIII, Design Review under Article XIII, and the Special Permit Requirements under § 415-89 of the Rockland Zoning Bylaws, five copies of the following information must be submitted for an application to be considered complete. The Special Permit shall be applied for and obtained as a pre-condition for applying for and obtaining Site Plan Review and Design Review.
  - (a) A site plan and design review at a scale of one inch equals 40 feet which shall show all property lines, the exact locations of the proposed facilities and

structure(s), street, landscape features, residential dwellings and neighborhoods and all buildings within 500 feet of the facility.

- (b) A color photograph or rendition of the facility with its antennas, dishes and/or panels. For satellite dishes, panels or antennas, a color photograph or rendition illustrating the dish, panel or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish, panel or antenna from the nearest street or streets.
- (c) The following information must be prepared by a professional engineer or other authorized representative, as appropriate for the information being presented:
  - [1] A description of the facility and the technical, economic and other reasons for the proposed location, height and design;
  - [2] Confirmation that the facility complies with all applicable Federal and State standards;
  - [3] A description of the capacity of the facility, including the number and type of panels, dishes, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations;
  - [4] If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health;
  - [5] The applicable review and advertising fees as noted in the application guidelines.
- (d) The applicant must produce and file proof of authorization for the location proposed, such as a deed, lease, license or preliminary approval of same, such as a letter of intent.
- (e) Nothing contained in this bylaw shall preclude the SPGA from requesting additional information related to the subject of the applications, which shall be provided by the applicant.

F. Criteria for review and approval:

- (1) The SPGA shall review all applications for communications facilities and shall find:
  - (a) That the location of the facilities is suitable and the size, height, and design is the minimum necessary for that purpose;
  - (b) That the proposed facility will not adversely impact historic structures or scenic views.
  - (c) That there are no feasible alternatives to the location of the proposed facility (including co-location) that would minimize their impact and that the

applicant has exercised good faith in permitting future co-location of facilities at the site.

- (d) That the proposed facility is in compliance with Federal and State requirements regarding aviation safety.

The findings, including the basis for such findings, of the Board shall be stated in the written decision of approval; conditional approval, or denial of the application for Special Permit.

- (2) The Board shall also impose, in addition to any applicable conditions specified in the bylaw, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise service the purposes of this bylaw, including, but not limited to: screening, buffering, lighting, fences, modification of the exterior appearance of the structures, limitation upon the size, method of access or other traffic features, parking, removal or cessation of use, or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount and form satisfactory to the Board.
- (3) The Special Permit is granted for a period of two years and shall lapse if substantial use or construction has not commenced by such date, except for a good cause shown. And provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition or cells or construction of new or replacement facilities shall be subject to an amendment of the Special Permit following the same procedure as for an original grant of a Special Permit.

#### G. Exemptions:

- (1) The following types of wireless communications facilities are exempt from this bylaw:
  - (a) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose.
  - (b) Facilities operated for municipal purposes.

H. Severability. If a portion of this bylaw shall be declared invalid by the final decision of an authorized agency or court of competent jurisdiction, such invalidity shall not affect the remaining portions, which shall remain in full force and effect; and to this end the provisions of this bylaw are hereby declared severable.

#### § 415-21. Watershed Protection District.

- A. Description. The Watershed Protection District shall be limited to the area shown of Figure 1 (ROC), Figure 1 (AB), described as WPD, on said figure.\*
- B. Purpose. To protect the Public Health by preventing contamination of the ground and surface water resources providing drinking water to the Town. Because pollution of our ground water

resources can occur as a result of the cumulative effect of many insignificant uses, there is a need to establish parameters for land use in these specific areas to avoid a build-up of pollutants that would affect the water supplies.

C. Watershed Protection District.

- (1) Prohibited uses. Within the Watershed Protection District, the following Principal uses are prohibited from further development. This bylaw does not prohibit existing facilities from continuing operation.
  - (a) Sanitary Landfills.
  - (b) Junk Yards.
  - (c) Road Salt Stockpiles.
  - (d) Manufacture or Storage of Hazardous Waste, being defined as any substance controlled as being toxic or hazardous by the Division of Hazardous Waste, under provisions of MGL c. 21C.
  - (e) Disposal of Solid Wastes, other than brush and stumps.
  - (f) The Mining of Land, except as incidental to a permitted use, such as cultivation of cranberries.
- (2) Special permit uses. The following shall be allowed only if granted a Special Permit by the Zoning Board of Appeals.
  - (a) Sales, Storage or Transportation of fuel oil or gasoline as a principal use.
  - (b) Any use which involves on-site disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees.
  - (c) Any use involving generation of toxic or hazardous waste materials in quantities greater than associated with normal household use.
- (3) Special permit criteria. The Special Permit Granting Authority (SPGA) shall be the Zoning Board of Appeals. Such permits shall be issued if the SPGA determine that the intent of this bylaw, as well as special criteria, are met. In making such determinations, the SPGA shall give consideration to the reliability and feasibility of the control measures proposed, and the degree of threat to water quality which would result if the control measures failed. Special Permits shall be granted only if the SPGA determines that groundwater quality, from on-site waste disposal and other on-site operations will not fall below Federal or State standards for drinking water, or if groundwater quality is already below those standards, on-site disposal, plus natural recharge will result in no further deterioration.
- (4) Submittals. The following shall be submitted in applying for a Special Permit for development in the WPD.

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\* Editor's Note: Figure 1 is on file in the office of the Town Clerk.

- (a) A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect from vandalism, corrosion, and leakage.
  - (b) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method, and methods to provide for control of spills.
  - (c) Evidence of approval by the Commonwealth of Massachusetts, Department of Environmental Quality Engineering (DEQE) of any industrial waste treatment or disposal system over 15,000 gallons per day capacity.
  - (d) For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system design and installation, with analysis by a professional engineer in sanitary or civil engineering, registered in the Commonwealth of Massachusetts.
  - (e) For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided to prevent discharge of contaminated condensate into the ground water.
- (5) Toxic or hazardous wastes. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, and include products such as pesticides, herbicides, solvents and thinners.

**415-21.1 Ground Mounted Solar PV Overlay District. [Added 5-2-2011 ATM, Art. 43]**

- A. Purpose: The purpose of this bylaw is to promote the creation of new large scale ground mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large scale ground mounted solar photovoltaic installations.
- B. Applicability: This section applies to large scale ground mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to modifications to such installations that materially alter the type, configuration, or size of these installations or related equipment.
- C. Description of areas included in the Ground Mounted Solar PV Overlay District
  - (1) The Ground Mounted Solar PV Overlay District shall include all land located in the R-1 zone with a minimum of five contiguous acres of uplands, I-2, I-3, and I-4 zone with a minimum of three contiguous acres of uplands.

- (2) Ground Mounted Solar PV Overlay District shall be construed as an overlay district with regard to said location. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein, in which case the provisions of this section of the bylaw shall apply.

#### D. Definitions

AS-OF-RIGHT SITING- That development may proceed without the need for a special permit. As-of-right development shall be subject to site plan review to determine conformance with local zoning bylaws and Subsection F, Site Plan Review, of this bylaw.

BUILDING COMMISSIONER: The inspector of buildings, building commissioner, or local inspector that is designated by the bylaw charged with the enforcement of the zoning bylaws.

BUILDING PERMIT: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, site plan review, including those governing ground mounted large scale solar photovoltaic installations.

DESIGNATED LOCATION: The locations designated by Town Meeting, in accordance with MGL c. 40, §5, where ground mounted large scale solar photovoltaic installations may be sited as of right.

LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION- A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a minimum nameplate capacity of 250 kW DC.

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION- A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

SITE PLAN REVIEW: Review by the Site Plan Review Authority to determine conformance with local zoning bylaws and Subsection F, Site Plan Review, of this bylaw. Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority shall be the Planning Board.

SOLAR PHOTOVOLTAIC ARRAY: An arrangement of solar photovoltaic panels.

ZONING ENFORCEMENT AUTHORITY: The person or board charged with enforcing the zoning bylaws.

#### E. General Requirements for Large Scale Solar Power Generation Installations

- (1) Compliance with Laws, Bylaws and Regulations [Amended 5-7-2012 ATM, Art 52]  
The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications



requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

- (2) Building Permit and Building Inspection. No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining an approval of a Site Plan and a Building Permit.
- (3) Fees. The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

F. Site Plan Review. Ground mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

- (1) General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one year from the date of initial application to the date of final approval by the Planning Board.
- (2) Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- [1] Property lines and physical features, including roads, for the project site;
- [2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- [3] Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- [4] One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
- [5] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- [6] Name, address, and contact information for proposed system installer;
- [7] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- [8] The name, contact information and signature of any agents representing the project proponent;

(b) Documentation of actual or prospective access and control of the project site as per Subsection G, Site Control.

- (c) An operation and maintenance plan as per Subsection H, Operation & Maintenance Plan.
  - (d) Zoning district designation for the parcel(s) of land comprising the project site.
  - (e) Proof of liability insurance.
  - (f) A fully inclusive written estimate of the costs associated with decommissioning and removal of equipment, reclamation of the site including the re-landscape prepared by a registered professional engineer skilled and experienced in the estimation of the decommissioning cost of such an installation. The amount shall include a written estimate of the projected inflation of the decommissioning cost and an explanation of the basis for calculating the increased removal costs due to inflation.
  - (g) Description of financial surety that satisfies Subsection M, Financial Surety of this bylaw.
  - (h) The Planning Board may waive documentary requirements as it deems appropriate.
- G. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- H. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large scale ground mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, lighting as well as general procedures for operational maintenance of the installation.
- I. Utility Notification. No large scale ground mounted solar photovoltaic installation shall be constructed until written proof has been submitted to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator on the site. Off-grid systems shall be exempt from this requirement.
- J. Dimension and Density Requirements
- (1) Setbacks. For large scale ground mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
    - (a) Front Yard: The front yard depth shall be at least fifty feet.
    - (b) Side Yard: Each side yard shall have a depth at least thirty feet; except where the lot is in a Residential District or abuts a Residential District, the side yard shall not be less than fifty feet.
    - (c) Rear Yard: The rear yard depth shall be at least thirty feet; except where the lot is in a Residential District or abuts a Residential District, the rear yard shall not be less than fifty feet.
  - (2) Appurtenant Structures. All appurtenant structures to large scale ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building

coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures should be screened and shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

K. Design Standards

- (1) Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties and designed so as to limit to the extent practical the light emanating from the site onto abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (2) Signage.
  - (a) Signs on large scale ground mounted solar photovoltaic installations shall comply with the provisions of the zoning bylaw governing signs.\* A sign consistent with the sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.
  - (b) Solar photovoltaic installations shall not be arranged or used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- (3) Utility Connections. Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (4) Controlled Access. Fencing shall be installed to prevent unauthorized access to the entire installation including solar panels, appurtenant structures, equipment shelters, storage facilities, transformers, and substations, and the like. A copy of the key to access to the installation or an alternate access arrangements shall be provided to the Rockland Police and Fire Departments for emergency purposes.

L. Safety and Environmental Standards

- (1) Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, emergency response plan and site plan to the Fire Department at the same time as the application is submitted to the Planning Board and the Fire Department shall be afforded the opportunity to comment on the proposed project prior to the closing of the public hearing. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- (2) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale ground mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

M. Monitoring and Maintenance

- (1) Solar Photovoltaic Installation Conditions. The large scale ground mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Commissioner. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- (2) Modifications. All modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

N. Abandonment or Decommissioning

- (1) Removal Requirements. Any large scale ground mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal not less than 30 days prior to the date projected for removal. The owner or operator shall obtain a Demolition Permit from the Building Department prior to the removal. The decommissioning shall consist of:
  - (a) Physical removal of all large scale ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
  - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- O. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Building Commissioner. If the owner or operator of the large scale ground mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation at the cost and expense of the owner and operator and the cost and expense thereof shall be paid by the owner and/or operator together with any and all legal cost and expenses associated with recovering the cost and expenses.

- P. Financial Surety. The operator of a large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined by the Planning Board, but in no event to exceed more than 125% percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent in Subsection F.2.(f). Such surety will not be required for municipally or state-owned facilities.

## ARTICLE V

### Building, Lot and General District Regulations

**§ 415-22. Building and lot regulations.** [Amended 6-6-1994 ATM, Art. 80; 5-20-1996 ATM, Art. 44; 5-19-1997 ATM, Art. 64; 5-13-2002 ATM, Arts. 24, 36 and 43; 5-12-2003 ATM, Arts. 8 and 50; and 5-2-2011 ATM, Art. 45]

The following table sets forth building controls and regulations for each zoning district. The subsections which follow the table establish specific regulations for yards, accessory structures, building height, landscaping and land alteration.

District	Minimum Lot Area (square feet)	Maximum No. of Dwelling Units per 32,670 square feet	Maximum Building Average % of Lot	Minimum Yard Dimensions (feet)			
				Maximum Height (stories/feet)	Front	Rear	Side
R-1	32,670	1	25	2.5/30***	25	50	15
R-2	32,670	1	30	2.5/30***	25	50	15
R-3	32,670	2	35	3.0/36	25	50	15
R-4	32,670	4	40	3.0/36	25	50	15
RSH-1	32,670	4	40	3.0/36	25	50	15
B-1	---	8	80	3.0/36	----	*	*
B-2	---	8	80	3.0/36	20	30	30
I-1	---	---	50	3.0/36	50	30**	30**
I-2	---	---	50	3.0/36	50	30**	30**
I-3	---	---	50	3.0/36	50	30**	30**
I-4	---	---	50	3.0/36	25	30**	30**
H-1	---	---	50	3.0/36	50	30**	30**

#### NOTES:

\* The minimum yard dimension abutting any residential district shall be 30 feet.

\*\* 50 feet if the abutting land is within any residential district.

\*\*\* The maximum height (stories/feet) may be increased to 3.0/36 on lots with an area of 32,670 square feet or greater and that the structure meets all the current setbacks.

A. Parking/access and egress requirements.

- (1) All parking spaces as required by this bylaw shall be a minimum of 10 feet in width by 20 feet in length for full size vehicles; and nine feet in width by 18 feet in length for compact vehicles. The ratio shall be 30% compact vehicles to 70% full size vehicles spaces. All parking spaces shall have a back-up area no less than 23 feet.
- (2) All parking areas, loading areas and areas used for access, egress or on-site circulation shall meet the following landscape requirements.
  - (a) In all Residential Zones, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot set back shall be properly landscaped and maintained.
  - (b) In the Business 1 District, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot set back shall be properly landscaped and maintained. The parking requirement for the Business 1 District maybe met in whole or in part by off-site parking upon the issuance of a Special Permit by the Zoning Board of Appeals.
  - (c) In the Business 2 District all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of the 10 feet from any property line and the ten-foot setback shall be properly landscaped and maintained. Further, the front property line shall have a twenty-foot landscaped buffer zone along the entire width of the front lot line with the exception only of sidewalks and driveways.
  - (d) In all Industrial Districts, which do not abut any Residential District, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot setback back shall be properly landscaped and maintained.
  - (e) In all Industrial Districts which abut any Residential District all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 30 feet from any property line and the thirty-foot set back shall remain unaltered and in a state of natural vegetation.

B. Yard regulations.

- (1) Obstruction to sky. Every part of a required yard must be open to the sky, unobstructed except for accessory buildings in the rear or side yards, and except for the normal projection of porches, balconies, steps, sills and cornices.
- (2) Side yard of corner lot. Any corner lot shall have a side yard equal in width to the minimum front yard requirement of any adjoining lot fronting on the side street. The minimum side yard setback shall be 15 feet. [Amended 5-4-2009 ATM, Art.21]
- (3) Transition yard requirements.
  - (a) Front yard. Where a residence district abuts a non-residence district, there shall be provided in the non-residence district for a distance of 50 feet from the district boundary line, a front yard at least equal in depth to that required in the residence district.

- (b) Side or rear yard. Where the side or rear yard in a residence district abuts a side or rear yard in a non-residence district, there shall be provided along such abutting lines, a side or rear yard at least equal in depth to that required in the residence district. In no case, however, shall the abutting side or rear yard be less than 20 feet.

(4) Accessory structures.

- (a) An accessory building may not occupy more than 30% of a required yard.
- (b) No accessory building less than 24 feet in height and under 400 square feet shall be located within five feet of the side or rear lot line. No accessory structure 24 feet or more in height or 400 square feet or greater shall be located within 15 feet from a side or rear lot line. [Amended 5-2-2011 ATM, Art. 38]
- (c) No accessory structure located in a side yard shall be located closer to the street than the front yard setback required for the principal structure in the zoning district.
- (d) For corner lots, the setback from the side street shall be the same for accessory buildings as for principal buildings.
- (e) When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this bylaw applicable to the principal building.
- (f) No accessory structure shall exceed 24 feet in height unless the accessory structure is located at least 30 feet from any point on any dwelling including attached structure to the dwelling on any abutting lot and in no event shall the accessory structure be located within 15 feet of any side or rear lot line.  
[Amended 5-2-2011 ATM, Art. 39]

C. Height regulations.

- (1) No building or structure shall have a greater number of stories, nor have an aggregate height in feet higher than is permitted in the district in which it is located, except as noted below.
- (2) Chimneys, steeples, water towers, and television antennae may be erected to their height, but no tower, other than a church steeple or tower of a public building, shall exceed the height regulations by more than 40%. Other towers shall require a special permit to be issued by the Board of Appeals.
- (3) No tower shall be used as a place of habitation.
- (4) No sign of any kind shall be inscribed upon or attached to any chimney, tower, tank, or other structure which extends above the height limitations.

D. Landscaping regulations.

- (1) Unenclosed non-residential uses. Any non-residential unenclosed use and/or storage area, as may be permitted according to this bylaw, shall be fenced, screened or sufficiently landscaped to obscure such uses or storage areas from abutting properties or rights-of-way. Such uses shall include but not necessarily be limited to building supply stores, automobile sales and service establishments, industrial uses and other comparable uses.

- (2) Maintenance requirements. Any fencing or landscaping installed in accordance with this bylaw shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or replace dead or diseased landscaping shall be considered a violation of this bylaw.

E. Land alteration regulations.

- (1) No gravel, loam, sand, clay, soil, or quarried stone shall be removed from land in any zone, excluding residential zones, in the Town without a written permit from the Zoning Board of Appeals after a public hearing, an approved site plan from the Planning Board consistent with its rules and regulations relating to earth removal, and under such conditions as the Board of Appeals may see fit to impose and make a part of the permit. No permit may be granted under this section unless the applicant has submitted to the Secretary of the Board, at least seven days prior to the date of the hearing, a topographical plan of the premises in question, prepared by a registered land surveyor or registered professional engineer, showing specifically the boundaries and dimensions of the premises, the location and dimensions of the area from which the proposed removal of material is to take place, and the names and boundaries of all abutters. The plan shall show present and proposed grades and elevations with topography in two-foot contours and grades in profile. Topographical detail shall show physical character of the premises including natural drainage and the direction of water flow, as well as existing structures, stone walls, cellar holes, foundations and any other indications of prior human use of the property. **[Amended 5-4-2010 ATM, Art. 42]**
- (2) The Zoning Enforcement Officer, without reference to the Board of Appeals, may issue permits for removal from the site, of gravel, loam, sand, clay, soil, or quarried stone for the following purposes only:
  - (a) Where necessary as an incidental part of farm, garden, or nursery activity.
  - (b) When incidental to landscaping or similar activities in direct connection with constructed buildings, and limited to the lot upon which the buildings stand.
  - (c) When such material is not necessary in connection with the construction of a building being built under a permit issued by the Building Inspector, the amount to be removed to be limited to the volume of the foundation and basement of the building.
  - (d) When such material is not needed in connection with the construction of a private road or drive.
  - (e) The Zoning Enforcement Officer shall issue no permit for the removal of such material, except upon condition that not less than four inches of loam or topsoil shall be replaced or allowed to remain in place, except where, due to the construction of roads, buildings, or permanent physical features, such condition is unnecessary.
- (3) Land clearing: Properties located in business, commercial or industrial districts or use shall not cut, clear, or stump 15 or more trees that are 5 inches or larger in diameter at the base of the tree, in a one-year period, unless there has been a recently approved plan for a construction project on the site or in the ordinary course of prevention of storm damage to existing buildings or clearing storm damage. An approved project shall mean an approval of a plan from the Rockland Conservation Commission, Planning Board, Zoning Board of Appeals or the issuance of a building permit by the Town Building Inspector. **[Added 5-4-2010 ATM Art. 38]**



F. Multi-family developments. Multi-Family Developments shall be subject to the Site Plan Review Requirements of Article VIII of this bylaw.

- (1) Minimum area. A Multi-Family Development shall include no less than five acres of contiguous land.
- (2) Open space. A minimum of 20% of site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- (3) Building relationships. The arrangement of buildings and distance required between buildings shall be as set forth in Article VII of this bylaw.
- (4) Off-street parking. Off-street parking facilities shall be as set forth in § 415-35 of this bylaw.
- (5) Conversions of buildings from current use to the use of dwellings.
  - (a) The conversion of a single-family dwelling existing at the time of this bylaw into a two or three family dwelling may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the conversion outcome will be properly zoned, the exterior design of the structure will not be changed from the character of a single-family dwelling, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, and adequate off street parking will be provided. The new dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire codes and any other applicable codes, bylaws, regulations and ordinances.
  - (b) The conversion of a two, three, or multi-family dwelling existing at the time of this bylaw into a three-family dwelling or multi-family dwelling beyond its current dwelling status may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the proposed conversion will be properly zoned, and the exterior design of the structure will not be changed from the buildings original character, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, adequate off street parking will be provided. The dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire, and any other applicable codes, bylaws, regulations and ordinances.
  - (c) Conversions of non-dwellings into dwellings. The conversion of a non-dwelling, which is any building which has principal use as that other than a dwelling, into a dwelling shall adhere to all the conversion requirements of a single-family dwelling provided that the non-dwelling is an accessory use of a residence zoned building.
  - (d) The conversions of schools, retail/wholesale establishments, and other industrial, or commercial buildings into dwelling will be allowed by the Zoning Board of Appeals under the Special Permit process provided that:
    - [1] The conversion will be properly zoned;
    - [2] Exterior design shall be in harmony with neighborhood and general character of the Town;
    - [3] Landscaping will be included in the conversion to enhance conversion;

[4] Dwelling units floor area will not be less than 650 square feet.

G. Traffic impact review.

- (1) The following uses shall require the submission of a traffic impact report to the Planning Board:
  - (a) The proposed construction of 25 or more residential units,
  - (b) The proposed construction of 140,000 square feet or more of new construction,
  - (c) Any use other than municipal requiring parking for 50 or more cars,
  - (d) Any driveway or access road likely to generate 500 or more vehicle trips per day.
- (2) The report shall be prepared by a traffic engineer designated by the Planning Board, and shall be paid for by the applicant.
- (3) The developer shall complete all off site and on site traffic mitigation measures suggested by the traffic engineer's report prior to the completion of 50% of the proposed project.

H. Consultant review requirement. The Town of Rockland may charge any applicant or proponent of any project which requires any permit or approval from a local board, official, or agency of the Town of Rockland, and which involves the construction, replacement, reconstruction, conversion, expansion or demolition of structures or facilities, a peer review fee for compliance with federal, state or local laws or regulations or consistency with good engineering practice. The procedure shall be governed by MGL c.44 §53G. The sum to be assessed shall be determined by the applicable reviewing authority and shall be generally equal to the amount deemed by the Town to be desirable or necessary to engage consultants, including but not limited to attorneys, engineers or other consultants to review applications, plans or other documents, whether technical or not, to ensure compliance with any laws or regulations. The applicant shall provide the Town or boards with sufficient information to fully evaluate the project for the purpose of making a determination as to approval, modification or disapproval of the matter. [Added 5-4-2010 ATM, Art. 41]

**§ 415-23. Supplementary lot regulations. [Amended 5-5-2008 ATM, Art. 42]**

Supplementary lot regulations are set forth in §§ 415-24 through 415-34.

**§ 415-24. Nonconforming uses.**

- A. Continuation. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of the bylaw may be continued although such structure or use did not conform with the provisions of the bylaw as adopted or amended.
- B. Alteration. Preexisting nonconforming structures or uses may be extended or altered provided that no such extension or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals that the extension or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure or use. [Added 6-6-1994 ATM, Art. 25]

- C. Certain alteration excepted. Excepting for properties in business, commercial or industrial use, no finding by the Zoning Board of Appeals shall be required for extensions or alterations of legally existing nonconforming structures located on preexisting, nonconforming lots if the extension or alteration meets the current setback, lot coverage, building height. Off-street parking and yard requirements of the Rockland General code Zoning Bylaws. [Added 6-6-1994 ATM, Art. 25; Amended 5-4-2010 ATM, Art. 40]
- D. Restoration. A nonconforming building or structure which has been damaged or destroyed may be repaired or rebuilt, provided that such restoration shall not exceed the original area and height, shall be placed no nearer the street line than the building or structure which the restoration replaces, and the owner of said premises shall start operation for restoration or rebuilding on said premises within 12 months of damage or destruction.
- E. Abandonment. All non-conforming uses which have been abandoned or discontinued for more than two years shall not be reestablished and any future use shall be in conformity with the provisions of this bylaw, except in the case of agricultural, horticultural, or floricultural uses where such non-use may exist for a period of five consecutive years.
- F. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

**§ 415-25. Corner lots; clear sight line.**

At all street intersections, no obstruction to vision (other than existing structures, posts, or trees) exceeding 30 inches in height above the established grade of the street at the property line, shall be erected on any lot within the triangle formed by the street lot lines and a line connecting these lines 20 feet from the point of street intersection.

**§ 415-26. Lot size reduction.**

- A. The area or dimension of any lot shall not be reduced to less than the minimum required according to this bylaw.
- B. If a lot is already less than the minimum required by this bylaw, the area and/or dimension may be continued but shall not be further reduced.

**§ 415-27. Lot width.**

- A. Minimum lot widths in residence, business and industrial districts shall be as follows:

<b>District</b>	<b>Minimum Width (feet)</b>
R-1	110
R-2	110
R-3	110
R-4	110
RSH-1	110 [Added 5-12-2003 ATM, Art.8]
B-1	110
B-2	110

District	Minimum Width (feet)
I-1	110
I-2	110
I-3	110 [Added 6-6-1994 ATM, Art 80]
I-4	110 [Added 5-19-1997 ATM, Art. 64]
H-1	110 [Added 5-5-2008 ATM, Art.42]

B. The minimum lot width of any lot shall be measured along the way on which the lot fronts at the required minimum setback for the district in which the lot is located. The lot may not be less than 40 feet wide at any point.[Amended 5-4-2010 ATM, Art.43]

C. See Retreat Lots at § 415-28.

#### § 415-28. Frontage requirements.

A. Minimum required frontage for lots located in residence, business, and industrial districts shall be as follows: [Amended 5-17-1999 ATM, Art. 33; 5-12-2003 ATM, Art. 47]

District	Minimum Width (feet)
R-1	110
R-2	110
R-3	110
R-4	110
RSH-1	110 [Added 5-12-2003 ATM, Art. 8]
B-1	110
B-2	110
I-1	110
I-2	110
I-3	110 [Added 6-6-1994 ATM, Art. 80]
I-4	110 [Added 5-19-1997 ATM, Art. 64]
H-1	110 [Added 5-5-2008 ATM, Art. 42]

B. Retreat Lots are lots with a minimum of 40 feet frontage and a minimum of 65,340 square feet. Retreat Lots shall be allowed in all residence districts provided that only one single family home may be constructed on a Retreat Lot and provided that the lot has a minimum frontage of 40 feet, and minimum lot size of 65,340 square feet, a minimum lot width as defined in § 415-27 of 40 feet, and provided further that no structure shall be erected on a retreat lot closer than 50 feet to the rear, front or side property line. No more than two contiguous Retreat Lots shall be allowed. A dwelling on a retreat lot shall be located no more than 350 feet from an existing fire hydrant as measured from the dwelling along the center of the driveway and along the sideline of the street to an existing fire hydrant. A fire hydrant or hydrants must be installed as per the Rockland Water Department Regulations for all proposed dwellings located in excess of 350 feet from an existing fire hydrant. Driveways on retreat lots shall be a minimum of 12 feet in width.

**§ 415-29. Number of buildings on single lot. [Amended 5-17-1999 ATM, Art. 38]**

Only one principal residential building shall be allowed on a single lot except as provided in Article VII, Planned Unit Developments, and § 415-22F, Multi-family developments. Only one principal structure shall be allowed on a lot except in the Industrial 1 and Industrial 2 Districts upon the granting of a. Special Permit from the Zoning Board of Appeals for more than one principal structure per lot.

**§ 415-30. Minimum required upland. [Amended 5-17-1999 ATM, Art. 28; 5-4-2009 ATM, Art. 25]**

- A. Lots in any District must contain a minimum of 22,000 square feet of land that is not a body of water, an area protected under MGL c. 131, § 40 (the Wetlands Protection Act), not including riverfront areas.
- B. Retreat Lots must contain a minimum of 32,670 square feet of contiguous land that is not an area protected under MGL c.131, §40 (the Wetlands Protection Act), not including riverfront areas.

**§ 415-31. Swimming pool fencing and setbacks. [Added 6-6-1994 ATM, Art. 30; amended 5-12-2003 ATM, Art. 48]**

All fences required by the Inspector of Buildings to be installed around swimming pools, shall be maintained and repaired in good condition. Any component of an in-ground or above ground swimming pool including but not limited to decks, aprons or overhangs shall set back a minimum of five feet from all property lines.

**§ 415-32. Accessory apartment within single-family dwelling. [Added 6-6-1994 ATM, Art. 26; amended 5-19-1997 ATM, Art. 52; 5-17-1999 ATM, Art. 29]**

The Zoning Board of Appeals may authorize an accessory apartment within a single family by Special Permit in all residential and business districts provided that the Board finds the following criteria have been met.

- A. The dwelling must be in existence for a minimum of 24 months, and must not have been substantially altered for 24 months prior to filing the application for a Special Permit. Provided that if there is an existing in-law apartment in a dwelling which was constructed under a Special Permit prior to the adoption of this accessory apartment regulation, the twenty-four-month period shall not apply and the accessory apartment shall be governed by the dimensional requirements of the original Special Permit. **[Amended 5-13-2002 ATM, Art. 22]**
- B. The owner/applicant shall have continuously resided in the main dwelling for a least 24 months prior to filing the application for special permit for the accessory apartment and the owner/applicant shall continue to reside in the main dwelling throughout the duration of the Special Permit.
- C. Only one accessory apartment shall be permitted per single family house.
- D. Other than handicapped access, no exterior alteration can change the appearance of the dwelling as a single family home.

- E. Any additional parking areas shall be accessed by the driveway serving the main dwelling.
- F. The accessory apartment shall contain a minimum of 400 square feet and a maximum of 650 square feet of dwelling area: The accessory apartment shall be located only within the existing habitable structure, or within an addition to the existing habitable structure, subject to the provisions of Subsection I. **[Amended 5-14-2001 ATM, Art. 48]**
- G. All Board of Health and Building Code criteria must be met.
- H. The occupants of the accessory apartment must be related to the owner/occupant of the main dwelling as either mother, father, stepmother, stepfather, child, stepchild, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild. The owner/occupant shall state the name(s) of the proposed tenants and their relationship on the application for Special Permit.
- I. Any increase in size of the main dwelling unit shall be limited to 5% of the existing habitable living space of that dwelling and shall meet all zoning requirements.
- J. The Special Permit shall terminate upon any of the following events:
  - (1) Sale of the premises.
  - (2) Residence by a person not named in the Special Permit, except residence of the new born child, adopted child, or a person caring for the tenant such as a nurse, nurse's aide or other health care worker or caretaker.
  - (3) Residence by a boarder or lodger in either the main house or accessory apartment.
  - (4) The death of a single tenant named as the sole tenant on the application for a Special Permit.
- K. Upon the termination of the Special Permit, the residence shall revert back to single family use. All kitchen and food preparation areas and plumbing shall be removed. The Building Inspector shall have the right to inspect the premises to ensure that the home has been restored to a single-family dwelling.
- L. No later than January 31st of each year following the issuance of the Special Permit, the owner/applicant shall provide to the Building Inspector the names of the tenants of the accessory apartment and shall certify that the main dwelling is occupied by the owner/applicant. A form for this certification shall be obtained at the offices of the Building Inspector. Failure to file the annual certification shall constitute grounds for immediate revocation of the Special Permit.

**§ 415-33. Driveways. [Added 5-17-1999 ATM, Art. 32]**

Prior to the construction of a driveway, an owner shall make written application for approval to the Building Inspector. Driveways shall meet the following design requirements.

- A. Entrances shall be located to the best advantage with regard to street alignment, profile, sight distance and safety conditions.
- B. Driveways shall be located through the frontage of said land.

- C. Driveway grades and locations shall be such as to provide for an access for emergency vehicles including fire and police.
- D. All driveways from the edge of the road surface to a point 15 feet onto the property shall be no less than 12 feet, and no more than 24 feet wide.
- E. No driveway shall be located along the street line closer than 25 feet to any street intersection.

**§ 415-34. Side yard requirements for preexisting lots. [Amended 5-14-2001 ATM, Art. 47; 5-13-2002 ATM, Art. 23]**

With respect to any lot in existence prior to the original enactment of the Zoning Bylaws of the Town of Rockland which has less than 110 feet of frontage, the minimum side yard requirement may be reduced by one foot for every 10 feet that the frontage is less than 110 feet, but in no instance shall any side yard be less than eight feet.

**§ 415-35. Off-street parking requirements.**

The following off-street parking facilities shall be provided:

**A. Residential uses.**

- (1) Dwellings (general): at least 2.0 spaces for each Single-Family Residence, and at least 3.0 spaces for each dwelling unit in a Two-Family Residence or Multi-Family Residence. [Amended 5-5-2008 ATM, Art. 55]
- (2) Dwellings for the elderly: at least one space for each dwelling unit in the building.
- (3) Nursing/rest home: at least one space for every four beds and one space for every two employees.
- (4) Boarding house: at least one space for each unit.

**B. Business uses.**

- (1) Retail stores: at least one space for each 300 square feet of sales floor area and one space for every two employees.
- (2) Restaurants and other eating establishments: at least one space for every two seats and one space for every two employees. Requirements for fast-food type establishments shall be determined by the Planning Board for each individual submission.
- (3) Professional offices: at least one space for each 100 square feet of occupied floor area and one space for every two employees.
- (4) Private club: at least one space for every 10 members and one space for every two employees.
- (5) Hotel/motel: at least one space for each unit and one space for every two employees.
- (6) Funeral home: at least 10 spaces for each 600 square feet of floor area used for professional service and one space for every two employees.

- (7) Theaters: at least one space for every three seats and 1.5 spaces for every two employees.
- (8) Wholesale establishments: at least one space for each 600 square feet of sales floor area and one space for every two employees.
- (9) Multi-family residences in Zoning District B (Business): at least 1.5 spaces for each dwelling unit to be located within 600 feet of the building, including spaces in public parking areas.

C. Industrial uses.

- (1) Automobile service station: at least five spaces.
- (2) Industrial uses (general): at least one space for every two employees, one space for each vehicle generally based on premises and adequate space for visitors. These standards may be revised as per prevailing circumstances as deemed necessary by the Board of Appeals.

D. Public uses.

- (1) Church or other place of worship: at least one space for every 12 seats, one space for every church official, and one space for every two employees. These requirements are subject to review by the Board of Appeals provided that non-conflicting parking facilities are available within 300 feet of the church.
- (2) Hospital: at least one space for every two beds, one space for every staff member and one space for every 10 daily visitors.
- (3) Medical or dental clinic: at least four spaces for each professional and one space for every employee.
- (4) Elementary, junior and senior high schools: at least 1.5 spaces per classroom and one space for every non-professional employee.
- (5) Library: at least one space for every five seats.

- E. Other uses. Sports arena, skating rink, or other similar establishment: at least one space for each 60 square feet of floor area (if no fixed seats) or one space for every four seats and one space for every employee or administrator.

F. Overnight parking. [Amended 5-13-2002 ATM, Art. 41]

- (1) The overnight parking of a commercial vehicle in any Residential District, is only allowed by Special Permit from the Zoning Board of Appeals. The Zoning Board may grant a Special Permit for no more than one commercial vehicle.
- (2) The following vehicles are exempt from this bylaw and only one commercial vehicle is allowed.
  - (a) A vehicle with four or six wheels and no more than seven feet in height, not including ladder racks, regardless of how it is registered. Over all height shall be measured from the ground up to the highest point of the cab, box, body or to the top of the cab protector when measuring a small dump truck.



- (b) Self-contained recreational motor home.
  - (c) Tow behind camper/boat/recreational trailers.
  - (d) Handicap equipped or Handicap registered vehicles.
  - (e) Recreational vans.
- (3) Overnight is defined as the period between 8:00 p.m. to 7:00 a.m. Commercial vehicles shall include but are not limited to school buses, ramp trucks, flatbed trucks, tow trucks, dump trucks, tractor trailer trucks whether whole or in part.
- G. Inoperative or unregistered vehicles. Not more than one inoperative vehicle nor more than one unregistered vehicle shall be stored outside on any lot in a residential zone or on any residential lot in any zone. Not more than one inoperative vehicle nor more than one unregistered vehicle shall be stored outside on any lot in any nonresidential zoning district except that more than one unregistered or inoperative vehicle may be stored on any lot in the Business 1 or Business 2 zoning districts provided that the vehicles stored are stored on lots located at licensed automobile service stations, repair shops or automobile agencies, and provided further no such unregistered or inoperative vehicles shall be stored at such stations, shops or agencies for a period in excess of 60 days. The prohibitions of this section shall not apply to new vehicles bearing a new vehicle manufacturer's invoice sticker, or to a used vehicle bearing a warranty sticker required by MGL c. 90 which are being stored for sale at licensed dealerships. [Amended 5-14-2001 ATM, Art. 44]
- H. Drive-through windows. The first stop where the customer places an order for all drive through windows shall be constructed and situated as follows: for banks and pharmacies no less than 100 feet from the street or curb cut entrance; for donut shops, coffee shops or fast food establishments no less than 400 feet from the street curb cut entrance. The distances required under this bylaw shall be clearly marked on all site plans submitted to the Planning Board for site plan approval. [Amended 5-14-2001 ATM, Art. 49]

#### § 415-36. Off-street loading requirements.

The following table sets forth off-street loading requirements:

Type of Use	Square Feet of Floor Area	Number of Berths Required
Retail commercial, eating establishments, offices and service establishments	5,000 - 20,000	1
	20,001 - 50,000	2
	50,001 - 90,000	3
	Each additional 40,000 or major fraction thereof	1
Hotel/motel	10,000 - 30,000	1
	30,001 - 60,000	2
	Each additional 30,000 or major fraction thereof	1

Wholesale, warehouse and industrial uses	5,000 - 10,000	1
	Each additional 60,000 or major fraction thereof	1

**§ 415-37. Home occupations.**

A. Permitted home occupations and related facilities include the following:

- (1) Medical offices;
- (2) Dental offices;
- (3) Art Studios;
- (4) Professional offices for lawyers, engineers, architects, or similar professions;
- (5) Day care facilities for not more than four children at one time;
- (6) Tutoring facilities for not more than four students at one time;
- (7) Offices for carpenter, plumber, electrician or similar trades.

B. These uses must not occupy more than 20% of the floor area of the home and no more than one person living outside of the home shall be employed. In no event shall any products be displayed or sold except those manufactured on the premises.\* [Amended 5-4-2010 ATM, Art. 37]

**§ 415-38. Shopping centers.**

The development of shopping centers shall be subject to the special permit and site plan review process established under this bylaw. The following regulations govern the development of shopping centers:

- A. Minimum area. A shopping center shall include not less than five acres of contiguous land.
- B. Land use. Proposed land uses shall not affect surrounding development and shall be in accordance with the "Clustered Growth Plan Concept."
- C. Building setback. Buildings shall be located no closer than 30 feet from any external lot lines, except that portion which fronts upon an existing street.
- D. Open space. A minimum of 10% of site area shall be developed as open space and is to be fully landscaped.

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\* Editor's Note: Former Subsection C, regarding sign area, which immediately followed, was repealed 5-2-2011 ATM, Art. 42.

**§ 415-38.1. Wind energy facilities. [Added 5-4-2009 ATM, Art. 17]**

- A. Purpose. The purpose of this section is to provide by Special Permit for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind energy facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town and provide adequate financial assurance for removal of unused facilities.
- B. Applicability. This section applies to all wind energy facilities proposed to be constructed after the effective date of this section. Any physical modification to existing wind energy facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

C. Definitions.

HEIGHT –The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

LARGE WIND ENERGY FACILITY -A wind energy facility with a rated nameplate capacity of 60 Kw or greater.

RATED NAMEPLATE CAPACITY – The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

SMALL WIND ENERGY FACILITY – A wind energy facility with a rated nameplate capacity of less than 60 Kw.

SPECIAL PERMIT GRANTING AUTHORITY – The Special Permit granting authority shall be the Zoning Board of Appeals.

SUBSTANTIAL EVIDENCE - Such evidence as a reasonable mind might accept as adequate to support a conclusion.

WIND ENERGY FACILITY – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

WIND MONITORING OR METEOROLOGICAL (“MET”) TOWER - A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

WIND TURBINE – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body and a rotor with two or more blades.

D. General Requirements.

- (1) Special Permits for Wind Energy Facilities.

(a) No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the Zoning Board of Appeals. The construction of a Large Wind Energy Facility shall be permitted in the R-1, I-2, I-3 and I-4 zoning districts subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in Subsections D, E, F and G. The construction of a Small Wind Energy Facility shall be permitted in any zoning district provided that the use complies with all requirements set forth in Subsections D, E, F and G.

(b) All wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No Special Permit shall be granted unless the Zoning Board of Appeals finds in writing that:

[1] The specific site is an appropriate location for such use;

[2] The use is not expected to adversely affect the neighborhood;

[3] There is not expected to be any serious hazard to pedestrians or vehicles from the use;

[4] No nuisance is expected to be created by the use; and,

[5] Adequate and appropriate facilities will be provided for the proper operation of the use.

(c) Such Special Permits may also impose reasonable conditions, safeguards, and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

(d) Wind monitoring or meteorological towers shall be permitted for no more than 18 months in any zoning district, subject to the issuance of a building permit. MET towers shall be set back a distance equal to two times the height of the tower from the nearest property line. MET towers shall be fenced in order to prevent unauthorized access. The Zoning Board of Appeals may reduce the setback requirement by Special Permit, based on site-specific considerations.

(2) Compliance with Laws, Bylaws, and Regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

(3) Proof of Liability Insurance. The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

(4) Site Control. At the time of its application for a Special Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

#### E. General Siting Standards.

- (1) Height. Wind energy facilities shall be no higher than 350 feet above the preconstruction grade of the land, provided that wind energy facilities may exceed 350 feet in height if all of the following criteria are met:
  - (a) The applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind energy facility;
  - (b) Such excess height is necessary to ensure technical and economic feasibility of the wind energy facility; and
  - (c) The facility satisfies all other criteria for the granting of a Special Permit under the provisions of this section.
- (2) Setbacks. Large Wind Energy Facilities shall be set back a distance equal to two times the overall blade tip height of the wind turbine from the nearest property line. Small Wind Energy Facilities shall be set back a distance equal to the overall blade tip height of the wind turbine from the nearest property line. The Zoning Board of Appeals may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this section.
- (3) Parking. There shall be a minimum of one parking space per tower, to be used in connection with maintenance of the facility and the site, and not to be used for the permanent storage of vehicles. The parking space shall measure nine feet by 20 feet.

F. Design Standards.

- (1) Color and Finish. The Zoning Board of Appeals shall have discretion over the turbine color. A neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.
- (2) Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- (3) Signage.
  - (a) Signs on the wind energy facility shall comply with the requirements of the Town's sign regulations, and shall be limited to:
    - [1] Signs necessary to identify the owner, provide a twenty-four-hour emergency contact phone number, and warn of any danger. Such signs shall be installed on the fence that surrounds the base of the wind energy facility.
    - [2] Educational signs providing information about the facility and the benefits of renewable energy.
  - (b) There shall be no signage on the wind turbine. Wind turbines shall not be used for displaying of any advertising.

- (4) Utility Connections. To the extent technically feasible, and subject to any requirements of the utility provider, all utility connections from the wind energy facility shall be located underground. Electrical transformers for utility interconnections may be aboveground if required by the utility provider and shall meet all local and state codes.
- (5) Accessory Structures. All accessory structures to such wind energy facilities, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.
- (6) Support Towers. Wind energy facilities shall use a monopole tower for support.

#### G. Safety, Aesthetic and Environmental Standards.

- (1) Emergency Response. The applicant shall provide a copy of the project summary and site plan to the Rockland Police and Fire Departments. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (2) Unauthorized Access. Wind turbines and other structures that are a part of a wind energy facility shall be designed as to prevent unauthorized access.
- (3) Shadow/Flicker. Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.
- (4) Noise.
  - (a) The wind energy facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10). A source of sound will be considered to be violating these regulations if the source:
    - [1] Increases the broadband sound level by more than 10 Db(A) above ambient, or
    - [2] Produces a "pure tone" condition - when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more.
  - (b) These criteria are to be measured at all property lines. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operation. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

- (5) Land Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility.
- H. Monitoring and Maintenance. The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of the security measures. Site access shall be maintained to a level acceptable to the Rockland Fire and Police Departments. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction. The Zoning Enforcement Officer may require annual certification by a Professional Registered Engineer of the facility's structural integrity and maintenance record.
- I. Removal of Wind Energy Facilities.
- (1) Removal Requirements. The owner of a wind energy facility shall inform the Zoning Enforcement Officer annually, in writing, whether the facility remains in use. Any wind energy facility which has not been used for one year or more shall be dismantled and removed in its entirety (including accessory facilities and structures) at the owner's expense. Removal shall consist of:
- (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
  - (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and
  - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Enforcement Officer may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (2) Financial Security. The owner of a wind energy facility shall file and maintain in effect a bond (or other security satisfactory to the Town), ensuring that sufficient funds will be available to remove the facility in the event of non-use, as provided herein. Said bond shall be from a company authorized to do business in Massachusetts and shall be subject to the approval of the Town. The bond shall be a condition of the Special Permit and shall be filed prior to the issuance of the building permit. Such security will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.
- J. Term of Special Permit. A Special Permit issued for a wind energy facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the Zoning Board of Appeals upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to the expiration of the Special Permit. Submitting a renewal request shall allow for the continued operation of the facility until the Zoning Board of Appeals acts. At the end of that period (including extensions and renewals), the wind energy facility shall be removed as required by this section.

K. Application Process and Requirements.

- (1) General. The Applicant shall provide the Zoning Board of Appeals with 15 copies of the application. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. Included in the application shall be:
  - (a) Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
  - (b) The name, contact information and signature of any agents representing the applicant;
  - (c) Documentation of the legal right to use the wind facility site, including the requirements set forth in Subsection D (4) of this section.
  - (d) Twelve consecutive months of data from the MET tower that is located at the proposed site.
- (2) Siting and Design. The applicant shall provide the Zoning Board of Appeals with a description of the property which shall include:
  - (a) A copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel shall be included;
  - (b) A locus plan of the proposed wind energy facility site at a scale of one inch equals 200 feet, which shall show contour intervals of no more than 10 feet, property lines for the site parcel and adjacent parcels within 300 feet, and the exact location of the proposed facility;
  - (c) A site plan of the proposed wind energy facility site at a scale of one inch equals 40 feet, which shall show the following:
    - [1] Property lines for the site parcel and adjacent parcels within 300 feet;
    - [2] Location and current usage of all existing buildings on the site parcel and all adjacent parcels within 500 feet, including distances from the wind energy facility to each building shown;
    - [3] Location of all public and private roads on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent;
    - [4] Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet;
    - [5] Proposed location and design of the wind energy facility, including all turbines, ground equipment, accessory structures, transmission infrastructure, access, fencing and exterior lighting.
- (3) Technical Documentation. The applicant shall submit to the Zoning Board of Appeals the following the following technical documentation regarding the proposed wind energy facility:



- (a) Wind Energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions;
  - (b) Blueprints or drawings for the tower and the tower foundation, signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
  - (c) Electrical schematic.
- (4) Visualizations.
- (a) The applicant shall arrange for a balloon or crane test at the proposed site to illustrate the overall height of the proposed facility within 30 days of filing the application with the Town Clerk. The date, time, and location of such test shall be advertised and notice provided to abutters in accordance with MGL c. 40A §11.
  - (b) The Zoning Board of Appeals shall select between three and six sight lines with a view of the wind facility, including from the nearest building, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two mile radius of the wind facility. View representations shall have the following characteristics:
    - [1] View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind energy facility (e.g. superimpositions of the wind energy facility onto photographs of existing views);
    - [2] All view representations will include existing and proposed buildings or tree coverage;
    - [3] View representations shall include a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc).
- (5) Landscape Plan. A plan shall be submitted indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.
- (6) Operation and Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.
- (7) Compliance Documents. The applicant shall provide with the application:
- (a) A description of financial surety that satisfies Subsection I(2) of this section

- (b) Proof of liability insurance that satisfies Subsection D(3) of this section;
  - (c) Certification of height approval from the FAA;
  - (d) A statement that satisfies Subsection G(4) of this section, listing existing and maximum projected noise levels from the wind energy facility.
- (8) Independent Consultants. Upon submission of an application for a Special Permit, the Zoning Board of Appeals will be authorized to hire outside consultants, pursuant to MGL c. 44, §53G. The applicant is required to make an initial deposit of \$5,000 for peer review and shall pay all costs associated with such review including but not limited to engineering and legal review.

#### **§415-38.2. Unattended Donation Containers**

**Authority and Interpretation.** This Bylaw is adopted, as a General Bylaw pursuant to Chapter 93, Section 29-33, inclusive, as amended, and a Zoning Bylaw pursuant to Chapter 40A, as amended of the General Laws of the Commonwealth of Massachusetts. This Bylaw is hereby declared to be remedial and protective, and is to be so construed and interpreted as to secure the beneficial interests and purposes defined in this Section of the Bylaw.

##### **A. Purpose.**

1. The regulation and restriction of Unattended Donation Containers (UDC) within the Town of Rockland in order to protect and enhance the visual environment of the Town for purposes of safety, convenience, and welfare of its residents.
2. The restricting of UDC's, which would increase the probability of accidents by distracting attention or obstructing vision or pedestrian or vehicular traffic.
3. The reduction of visual and informational conflict and regulation of the placement of a UDC on private property.

**B. Non-conformance of an Existing UDC.** Any non-conforming UDC legally erected prior to the adoption of this provision, may be continued and maintained subject to the requirement of obtaining the annual License from the Board of Selectmen. Any UDC rendered non-conforming through change or termination of activities on the premises shall be removed within thirty days of order by the Building Inspector/Zoning Enforcement Officer. No existing UDC shall be replaced, enlarged, moved, redesigned, or altered in any way unless it conforms to the provisions contained herein. Any UDC which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or altered unless inconformity of this Bylaw.

**C. Prohibition.** UDC's are prohibited from being kept on or within the layout of any street, way or sidewalk or on other public property by any person or entity other than the Town of Rockland. UDC's are prohibited from being kept on any private property without first obtaining a Special Permit from the Zoning Board and also an annual License from the Board of Selectmen. UDC's are prohibited in all Residential Zones.

D. Special Permit for UDC. The applicant shall apply for a Special Permit for a UDC with the Zoning Board of Appeals as per MGL C. 40A and the provisions of this Bylaw. Application shall include the following:

1. All information that is required in the Instructions and Application Packet for a Zoning Board Public Hearing.
2. Address of the location for placement of the UDC.
3. Notarized written authorization from property owner for the placement of the UDC.
4. Certification from property owner that applicant has provided a copy of this section to the property owner and that it has been read by property owner and is understood.
5. Detailed plan of how applicant will maintain the UDC to prevent scattering of donated material.
6. A Site Plan drawn and stamped by a Certified Land Surveyor licensed to practice in Massachusetts showing all existing conditions on the lot and proposed location of the UDC.

E. Placement of UDC. Placement of a UDC shall conform to the Zoning Set Backs of an Accessory Structure in that particular zone. Setbacks in a B-1 zone shall be Front - 20 feet, Side - 5 feet and Rear - 5 feet. The UDC shall also be placed in a location such that there shall be safe and convenient pedestrian and/or vehicular access to the UDC.

The Zoning Board of Appeals may deny any application for a UDC when, the detailed plan does not meet the purpose of this Section or comply with the requirements hereof.

F. Cost of Said License. License shall be \$100.00 annually for each UDC. The cost of said License may, from time to time, be altered by the Board of Selectmen. 501(c)(3) entities and/or organizations shall be exempt from this annual license fee.

G. Administration and Enforcement.

1. Enforcement - The Zoning Enforcement Officer is hereby charged with the enforcement of this Bylaw.
  - (a) The Zoning Enforcement Officer and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which any UDC is erected or maintained in order to inspect said UDC.
  - (b) The Zoning Enforcement Officer is further authorized, upon notice as herein provided, to order the repair or removal of any UDC which in his judgment is a prohibited or is likely to become dangerous, unsafe, or in disrepair, or which is erected or maintained contrary to this Bylaw. The Zoning Enforcement Officer shall serve a written notice and order upon the owner of record of the premises where the UDC is located and any advertiser, tenant, or other persons known to him having control of or a substantial interest in said UDC, directing the repair or removal of the UDC within a time not to exceed 7 days after giving such notice. If such notice and order is not obeyed within such period of time, the UDC and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which said UDC is erected or maintained and repair or remove, or cause to be repaired or removed, said UDC. All

expenses incurred by the Zoning Enforcement Officer and his duly authorized agents in repairing or removing any UDC shall be assessable against any person who failed to obey said notice and order and shall be recoverable in any court of competent jurisdiction if not paid within 30 days after written notice of assessment is given by the Zoning Enforcement Officer at any such person.

- (c) Alternate penalties. If such UDC is not removed for non-compliance with the provisions hereof or non-compliance with any permit granted here-under after 7 days notice from the Zoning Enforcement Officer, a fine of \$300.00 per day to the person or organization placing said UDC and a \$300.00 fine per day to the property owner where UDC was placed may be issued and enforced in accordance with the provisions of MGL c. 40, §21D.

### **§415-38.3 Commercial Kennel**

- A. Purpose. The purpose of this section is to establish appropriate location, criteria and standards for commercial kennels that are for business. This By-Law is intended to establish reasonable regulations to accommodate the need to protect the public, neighborhoods, and the animals. The Board of Appeals shall consider the size and the relationship of the lot to adjacent lots and shall determine whether that size and relationship is adequate to accommodate the use without imposing undue noise, visual and traffic impacts. The Board shall make a determination of the adequacy, impose such conditions on hours of use, number of animals at a given time, fencing, screening or other measures to contain the activity and minimize its impact.
- B. Description of Area. A commercial kennel may only be allowed by Special Permit in B-2, I-1, I-2, I-3, I-4, H-1, and R-1, R-2, R-3, R-4 Zones.
- C. Criteria. Any owner or keeper of dogs who seeks to engage in a use defined as a commercial kennel shall first obtain a Special Permit for a commercial kennel from the Zoning Board of Appeals.
- D. Conditions. Applicant shall meet all the requirements in applying for a Special Permit plus the following:
1. A Site Plan drawn within three months of applying for a Special Permit and stamped by a registered Land Surveyor that is licensed to do work in Massachusetts. Site Plan shall include all existing conditions, proposed conditions, property lines, metes and bounds, distances to nearest structures, buffer areas. Areas that will be used for runs and/or pens, fences, and storage and/or disposal of dog waste and/or waste products, etc.
  2. Area used for outside activities, runs or pens shall be fenced in with a solid wood or vinyl fence with a minimum height of six feet. Shall have a minimum of a fifteen foot setback from the side or rear property lines. There shall be no outside runs or pens within the front yard.
  3. The area between the property line and the fence shall be landscaped with evergreens a minimum of four feet in height as to lessen the noise being carried to abutting properties. Evergreens shall be planted at least thirty inches apart along the entire property lines, shall be maintained and replaced immediately if they die.
  4. Runs and pens whether inside or outside shall be provided and shall be not less than thirty-six inches wide for a dog weighing not more than forty-five pounds, forty-eight inches wide for a dog weighing more than forty-five pounds. The minimum length of runs shall be ten feet.

Inside Pens shall be of the following sizes: For dogs weighing not more than twenty-five pounds, five square feet per dog, for dogs weighing more than twenty-five pounds but not more than forty-five, nine square feet per dog and for dogs weighing over forty-five pounds, sixteen square feet per dog.

5. Shelter from Inclement Weather. All dogs shall be provided access to shelter which will protect them against inclement weather, preserve the dog's body heat and keep them dry. The shelter shall be kept clean and sanitary condition.
6. Applicant must have a plan in place for disposal of animal waste.
7. Applicant must meet and maintain compliance with all other Federal, State, and Local laws or regulations.
8. There shall be no dogs outside between sunset and sunrise.
9. The Animal Control Officer shall at any time inspect or cause to be inspected any kennel and if, in their judgment the kennel is not being maintained in a sanitary and humane manner, if the kennel is being operated in such a manner as to constitute a nuisance, or if records are not properly kept as required by law, may by order temporarily revoke or suspend said kennel license, refer the matter to the Board of Selectmen for a hearing pursuant to applicable law, and/or refer said matter to the Zoning Board of Appeals for enforcement, suspension or revocation of said Special Permit.

**§ 415-38.4 Temporary Moratorium on Medical Marijuana Treatment Centers. [ Added ATM, 5/6/2013]**

There is hereby enacted a temporary moratorium on the issuance of any use, building and/or zoning permits or approvals in any zoning district relating to medical marijuana treatment centers and other uses related to regulation of medical marijuana in the Town. The temporary moratorium will end on May 30, 2014 unless this moratorium is sooner repealed by Town Meeting upon recommendation of the Planning Board. The moratorium enacted by this paragraph will provide the Planning Board and Town sufficient time to write amendments to the Bylaw to determine the best way to regulate facilities associated with selling and processing marijuana for medical use in light of the enactment of Initiative Petition for the Humanitarian Medical Use of Marijuana effective January 1, 2013 and future regulations relating thereto to be promulgated by the Massachusetts Department of Public Health.

**ARTICLE VI**

**Signs**

**[Amended 5-13-2002 ATM, Art. 49]**

**§ 415-39. General regulations.**

In no event shall there be more than one principal sign per building, nor more than two secondary signs per tenant for each building. Of the two secondary signs allowed for each tenant, one of these

may only be a wall sign on the building and the other may only be located on a free standing pole or ground sign.

**§ 415-40. Permits required.**

- A. No sign shall hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this bylaw, and after a permit has been issued by the Building Inspector.
- B. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector. Such application shall contain the location by street and number of the proposed signs as well as the name and address of the owner and the sign contractor or erector. The Building Inspector may require the filing of plans or other pertinent information such as the method of construction, the method of installation or support, etc.
- C. A sign permit fee shall be paid to the Town of Rockland and collected by the Building Inspector for each permit in accordance with a schedule established by the Board of Selectmen.
- D. All signs erected under this bylaw shall be erected in the location described in the permit. The permit number shall be clearly visible on the sign.
- E. No permit shall be required to change the advertising copy or message on a changeable letter sign; repainting, cleaning, repair or maintenance shall not be considered an erection or alteration, which requires a permit unless a structural change is made.

**§ 415-41. Appeals.**

A person aggrieved by the refusal of the Building Inspector to issue a permit for the erection of a sign or by any order of the Building Inspector under the bylaw may appeal to the Zoning Board of Appeals. The provisions of the Zoning Bylaw as to the time for taking such appeal and as to the notice of hearing thereon to be held by the Zoning Board of Appeals shall apply only to appeals under this bylaw.

**§ 415-42. Enforcement.**

- A. The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this bylaw, and the provisions of the Zoning Bylaw, in reference to the enforcement of the Zoning Bylaw, shall also apply to the enforcement of this bylaw.
- B. Violations and penalties. Whosoever violates any provision of this bylaw shall be punished by a fine, as provided in Article XI of the Rockland Zoning Bylaw.
- C. Non-conforming signs. Signs, which were erected before the adoption of these requirements shall not be altered or relocated without conforming to the requirements of the Rockland Zoning Bylaw.

**§ 415-43. Severability.**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**§ 415-44. Definitions.**

**A. General.**

**PRINCIPAL SIGNS** - Principal signs are those signs, which identify the name of the building or the name of the particular plaza, center or Business Park. Each tenant may have one secondary sign located on a principal sign only if the principal sign is a free standing pole or ground sign. Principal signs may be any of the following: wall signs, free standing pole or ground sign, individual letter sign, projecting sign, awning sign, electric signs.

**SECONDARY SIGNS** - Secondary signs are those signs, which identify the name of a tenant. One secondary sign per tenant may be located on a free standing pole sign or ground sign and each tenant may have one other secondary sign, which may only be a wall sign.

**B. Specific definitions.**

**AWNING SIGNS** - Letter signs painted onto awnings.

**COMBINATION SIGNS**- Any sign that combines the characteristics of two or more types of signs.

**DIGITAL DISPLAY/ ELECTRONIC MESSAGE BOARD** – Any on-premises sign that uses LEDs or other similar technology capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Digital Display/ Electronic Message Boards are only allowed by Special Permit from the Zoning Board of Appeals.

**DIRECTIONAL SIGNS** - Directional signs are signs signifying the flow or speed of traffic such as enter, exit, yield, keep right, keep left, stop, do not enter, slow. Directional signs shall not contain any other words not related to the flow or speed of traffic. They may not contain logos, brand names or company names. No more than two directional signs indicating the direction of vehicular or pedestrian traffic shall be allowed except for uses requiring Site Plan approval, and then only as approved by the Planning Board under Site Plan review.

**ELECTRIC SIGNS** - Any sign containing electric wiring that has characters, letters, figures, designs, faces, backgrounds or outlines illuminated by incandescent or fluorescent lamps or luminous tubes as part of the sign proper, or illuminated from an external source directed solely towards the sign. Portable electric signs and all other electric signs not covered by this definition are strictly prohibited in all districts.

**FREE STANDING POLE OR GROUND SIGNS** - A principal sign identifying the name of the building or the name of the plaza, center or business park which has its supports, wood, steel, columns, pipes, angle iron framing, or any other material or combination of materials permanently affixed to the ground and standing independent of any building or structure. These signs may contain separate information for each tenant. No tenant sign may exceed nine square feet in area.

**INDIVIDUAL LETTER SIGNS** - Any sign made up of self-contained letters that are mounted on the face of a building. Provided however, that individual letter signs that are mounted on top of a parapet or a roof edge of a building are strictly prohibited in all districts.

**MOVING SIGNS** - Swinging, flashing, or revolving signs and revolving beacons, search lights and animated signs. Moving signs are strictly prohibited in all districts.

PROHIBITED SIGNS - Any sign not specifically prohibited or not specifically defined herein and not shown as permitted in the Table set forth below.

PROJECTING SIGNS - A sign other than a wall sign suspended from or supported by a building and projecting out there from.

ROOF SIGNS - Any sign attached to a roof framing of the building on which any part of the advertising display is above the roof level on trusses or legs. Roof signs are strictly prohibited in all districts.

TEMPORARY SIGNS - Any sign of cloth or combustible material with or without a frame, that is attached to the outside of a building on a wall or store front or a free standing pole or ground sign for a limited period of time not to exceed 60 days in any calendar year and only two temporary sign permits may be issued to any property owner or tenant in any calendar year. In no event may a temporary sign be an A-frame sign, sandwich board or any similar style. Signs indicating properties for sale, for lease or for rent are exempt from the sixty-day time limit.

WALL SIGNS - Any sign attached to a wall of a building, with the exposed face of the sign in a plane parallel to the plane of said wall, provided however that wall sign shall not project more than one-foot from the face of the structure. No more than 50% of the height of the wall sign may project higher than the lowest point of the roof.

**§ 415-45. Table of Regulations and Signs Allowed in Each District. [Amended 5-13-2002 ATM, Art. 49; 5-14-2001 ATM, Art. 50; 5-17-1999 ATM, Art. 37; 5-2-2011 ATM, Art 41]**

Signs that are not listed shall be construed as being prohibited for that district. Signs for any business that is lawfully located in any residential zoning district shall be permitted to follow the provisions of these bylaws relating to the Business II Zoning District.

**A. Residential District**

(1) Wall Sign: Sign incidental to a permitted use and not to exceeding 12 square feet in area.

(2) Temporary Sign:

(a) Signs - 1 (one) square foot or more shall require a permit. [Amended 5-7-2012 ATM, Art.58]

(b) There shall be one temporary sign per site for a period of not more than 120 consecutive days per calendar year or two temporary signs per site for a period of 60 consecutive days per calendar year. [Amended 5-7-2012 ATM, Art. 58]

(c) For advertising, sale, lease or rental of premises

(d) For construction, remodeling, and the like to identify the contractor or architect and shall be removed within 14 days of the completion of the work and shall not be more than six square feet in area. Signs larger than six square feet shall conform to the allowable size for the type of sign that it is and for the District.

**B. Business I.**

(1) Wall Sign:



(a) Maximum Height: four feet

(b) Maximum Area: 24 square feet.

(2) Free Standing.

(a) Pole Sign:

[1] Maximum Height: 12 feet measured from the finished grade of the crown of the road.

[2] Maximum Width: six feet

[3] Minimum Height: seven feet measured from the finished grade of the crown of the road to the bottom of the sign.

[4] Minimum Setback: six feet from the property line that abuts the street.

(b) Ground Sign:

[1] Maximum Height: four feet.

[2] Maximum Area: 24 feet.

[3] Minimum Setback: 10 feet.

(c) Individual Sign:

[1] Maximum Height: four feet.

[2] Maximum Width: six feet.

(d) Temporary Sign:

[1] Signs - 1 (one) square foot or more shall require a permit.

[2] There shall be one temporary sign per site for a period of not more than 120 consecutive days per calendar year or two temporary signs per site for a period of 60 consecutive days per calendar year. **[Amended 5-7-2012 ATM, Art. 58]**

[3] For advertising, sale, lease or rental of premises.

[4] For construction, remodeling, and the like to identify the contractor or architect and shall be removed within 14 days of completion of the work and shall be not more than six square feet shall conform to the allowable size for the type of sign that it is and for that District.

(e) Awning Sign:

[1] Minimum Height: eight feet above traveled surface.

- [2] Letters not to exceed one foot in height and not to exceed  $\frac{3}{4}$  the length of the awning.

(f) Directional Sign:

- [1] Maximum Height: two feet.
- [2] Maximum Width: 2.5 feet.

(g) Electric Sign:

- [1] Permitted except no flashing, no strobes, and no neon lights.
- [2] Moving signs are prohibited.
- [3] No illumination between 11:00 p.m. and 6:00a.m. except for Police or Fire Stations or Hotels.

(h) Projection Sign:

- [1] Maximum Height: four feet.
- [2] Maximum Width: three feet.
- [3] Minimum Height above the traveled surface to the bottom of sign: 10 feet.
- [4] Illumination shall be self-contained within the letters by using Reverse Channel Letters with LEDs.
- [5] Internal, flood or remote spot lighting is prohibited.
- [6] No illumination between 11:00 p.m. and 6:00 a.m.

C. Business II.

(1) Wall Sign:

- (a) Maximum Height: four feet.
- (b) Maximum Area: 24 square feet.

(2) Free Standing.

(a) Pole Sign:

- [1] Maximum Height: 12 feet measured from the finished grade of the crown of the road.
- [2] Maximum Width: six feet

[3] Minimum Height: seven feet measured from the finished grade of the crown of the road to the bottom of the sign.

[4] Minimum Setback: six feet from the property line that abuts the street.

(b) Ground Sign:

[1] Maximum Height: four feet.

[2] Maximum Area: 24 feet.

[3] Minimum Setback: 10 feet.

(c) Individual Sign:

[1] Maximum Height: four feet.

[2] Maximum Width: six feet.

(d) Temporary Sign:

[1] Signs - 1 (one) square foot or more shall require a permit.  
[Amended 5-7-2012 ATM, Art. 58]

[2] There shall be one temporary sign per site for a period of not more than 120 consecutive days per calendar year or two temporary signs per site for a period of 60 consecutive days per calendar year. [Amended 5-7-2012 ATM, Art. 58]

[3] For advertising, sale, lease or rental of premises.

[4] For construction, remodeling, and the like to identify the contractor or architect and shall be removed within 14 days of completion of the work and shall be not more than 64 square feet in area. Signs larger than six square feet shall conform to the allowable size for the type of sign that it is and for that District.

(e) Awning Sign:

[1] Minimum Height: eight feet above traveled surface.

[2] Letters not to exceed one foot in height and not to exceed  $\frac{3}{4}$  the length of the awning. Only the name of the business is allowed.

(f) Directional Sign:

[1] Maximum Height: two feet.

[2] Maximum Width: 2.5 feet.

(g) Electric Sign:

- [1] Permitted except no flashing, no strobes, and no neon lights.
- [2] Moving signs are prohibited.
- [3] No illumination between 11:00 p.m. and 6:00 a.m. except for Police or Fire Stations or Hotels.

(h) Digital Display/Electronic Message Boards:

- [1] Is allowed only by Special Permit from the Zoning Board of Appeals.
- [2] Maximum Height and area shall be subject to the applicable sign on which the electronic message is placed.
- [3] Shall display Static Image only.
- [4] Static Image shall hold for a period no less than six hours.
- [5] Transitioning from one Static Image to another shall occur instantaneously without the appearance of movement.
- [6] Only one Transition shall be allowed per day.
- [7] No illumination between 11:00 p.m. and 6:00 a.m. except for Police and Fire Stations or Hotels.
- [8] Automatic Dimming Technology shall be installed as to automatically adjust the board's brightness based on the natural ambient light conditions. Brightness shall not exceed 0.3 foot candle meter at a distance of 100 feet from the display.
- [9] Software shall be used to prohibit the use of offensive language.
- [10] Only one Digital Display/Electronic Message Board may be allowed per lot.

D. Industrial Districts.

(1) Wall Sign:

- (a) Maximum Height: five feet.
- (b) Maximum Area: 24 square feet.
- (c) Building that has frontage on two streets shall be allowed two wall signs.

(2) Free Standing.

(a) Pole Sign:

[1] Maximum Height: 15 feet measured from the finished grade of the crown of the road.

[2] Maximum Width: eight feet

[3] Minimum Height: seven feet measured from the finished grade of the crown of the road to the bottom of the sign.

[4] Minimum Setback: six feet from the property line that abuts the street.

(b) Ground Sign:

[1] Maximum Height: five feet.

[2] Maximum Area: 35 feet.

[3] Minimum Setback: 10 feet.

(c) Individual Sign:

[1] Maximum Height: five feet.

[2] Maximum Width: seven feet.

(d) Temporary Sign:

[1] Signs - 1 (one) square foot or more shall require a permit.  
[Amended 5-7-2012 ATM, Art. 58]

[2] There shall be one temporary sign per site for a period of not more than 120 consecutive days per calendar year or two temporary signs per site for a period of 60 consecutive days per calendar year. [Amended 5-7-2012 ATM, Art. 58]

[3] For advertising, sale, lease or rental of premises.

[4] For construction, remodeling, and the like to identify the contractor or architect and shall be removed within 14 days of completion of the work and shall be not more than six square feet in area. Signs larger than six square feet shall conform to the allowable size for the type of sign that it is and for that District.

(e) Directional Sign:

[1] Maximum Height: two feet.

[2] Maximum Width: 2.5 feet.

(f) Electric Sign:

[1] Permitted except no flashing, no strobes, and no neon lights.

[2] Moving signs are prohibited.

[3] No illumination between 11:00 p.m. and 6:00 a.m. except for Police or Fire Stations or Hotels.

(g) Digital Display/Electronic Message Boards:

[1] Is allowed only by Special Permit from the Zoning Board of Appeals.

[2] Maximum Height and area shall be subject to the applicable sign on which the electronic message board is placed.

[3] Shall display Static Image only.

[4] Static Image shall hold for a period no less than six hours.

[5] Transitioning from one Static Image to another shall occur instantaneously without the appearance of movement.

[6] Only one Transition shall be allowed per day.

[7] No illumination between 11:00 p.m. and 6:00 a.m. except for Police and Fire Stations or Hotels.

[8] Automatic Dimming Technology shall be installed as to automatically adjust the board's brightness based on the natural ambient light conditions. Brightness shall not exceed 0.3 foot candle meter at a distance of 100 feet from the display.

[9] Software shall be used to prohibit the use of offensive language.

[10] Only one Digital Display/Electronic Message Board may be allowed per lot.

E. Additional Regulations:

(1) In no event shall there be more than two principal signs per building or structure regardless of the type of sign, except for up to one additional temporary sign.

(2) Roof, Moving, A Frames, Sandwich Boards, or the like signs are prohibited in all districts.

(3) Political Signs are exempt from Article VI of this bylaw except that such signs shall not be placed on public property and shall be removed within 48 hours of said election.

(4) No sign in any zoning district shall obstruct visibility in such a way as to constitute a hazard to the safety of persons traveling upon a public way.

(5) For safety reasons, no sign or their illumination shall by reasons of their location, shape, size, or color interfere with traffic, sight lines or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic markings.

(6) All electrical signs shall be wired by a licensed electrician and are subject to local permits.

**ARTICLE VII**  
**Planned Unit Developments**

**§ 415-46. Conditions of permitted use.**

Planned Unit Developments may be allowed in appropriate areas of any approved residence district in conjunction with the Permitted Principal Uses therein by special permit only, and must meet the following development standards.

**§ 415-47. General size. [Amended 5-18-1998 ATM]**

- A. Plot and lot sizes and dimensions, and the location and height of buildings, if meeting the standards of this bylaw, may be freely disposed and arranged provided the construction conforms to comprehensive plans approved, pursuant to this bylaw, by the Special Permit Granting Authority. In reviewing and approving all plans, the Special Permit Granting Authority, in addition to the standards set forth herein, shall utilize the Town standards of subdivision control as well as the opinions of the Town Engineer, the Town Planning Consultant and the Town Water and Sewer Consultants. The Special Permit Granting Authority shall have full power to require modifications in the plan submitted by any applicant.
- B. No tract, parcel or lot, or tracts, parcels or lots shall contain less than 10 or more acres of adjoining and contiguous land and shall contain sufficient access to a State highway or to the Town road system as designated on the official or zoning map of the Town of Rockland as amended. For the purpose of this Section, internal streets, roads, and rights-of-way shall not be deemed to divide acreage of a planned unit development.  
[Amended 5-4-2009 ATM, Art. 24]
- C. No more than 10,890 square feet of the land may be subject to the Rivers Protection Act. \*

**§ 415-48. Boundary line and internal street setback requirements.**

- A. Boundary line setback requirements. All buildings, structures and uses shall be set back no less than 25 feet from all external streets.
- B. Internal street setback requirements. All buildings and structures for principal or accessory non-residential uses shall be set back no less than 25 feet from any public or private street within a planned unit development.

**§ 415-49. Building height.**

No building or structure shall have a height greater than as provided in § 415-22 of this bylaw.

**§ 415-50. Land use density.**

- A. No areas devoted to single-family detached residential structures shall have a density in of four units per acre exclusive of all street rights-of-way.

- B. No area or areas devoted to multi-family residences shall have a density in excess of 15 units per acre exclusive of all street rights-of-way.
- C. Each of the above residential density limitations shall be mutually exclusive of each other and shall not be cumulative.
- D. The prepared "grid" subdivision will only encompass that portion of said land which is not defined as wetlands under the Massachusetts Wetlands Protection Act.\* The total number of dwelling units within a Planned Unit Development shall not exceed the total number of dwelling units which would be permitted on the non-wetland portion of the parcel developed in a traditional (or grid) manner.
- E. No area devoted to Residential Senior Housing single family detached residential structures shall have a density of more than 10 units per acre exclusive of all street rights-of-way, with the total number of dwelling units determined in accordance with Subsection D. [Added 5-12-2003 ATM, Art. 8]

**§ 415-51. Common recreation areas.**

In connection with residential structures there shall be provided at least one square foot of common recreation area for each two square feet of residential floor area. The required common recreation area shall be provided in a lot, or lots, of at least 21,780 square feet that is free of structures associated with the residences in the Planned Unit Development. Common recreation areas shall be delineated on plans submitted to the Planning Board for review with the size of the area noted. Provisions for delineating this area in the finished development, method of delineation subject to Planning Board approval, shall be made by the developer. Common recreation areas shall be developed with either active or passive recreational facilities or both. No facility in which the residents of the planned unit development are excluded by outside or private membership shall qualify for the purposes of the requirements herein.

**§ 415-52. Open space.**

- A. Each planned unit development shall develop and maintain the following required open space:  
One square foot of open space for each one square foot of total gross floor area of the planned unit development, but in no event shall less than 35% of the gross land area of the planned unit development be open space.
- B. Computation.
  - (1) Any required open space may include common recreation areas and required buffer areas for computation purposes.
  - (2) In no case shall more than 30% of the required open space consist of areas defined as wetlands by the Massachusetts Wetlands Protection Act.
  - (3) For purposes of determining the total number of allowable dwelling units, the applicant must submit a "grid" subdivision plan to the Planning Board which complies with the plan regulations set out in the Rules and Regulations Governing the Subdivision of Land.

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\* Editor's Note: See Acts of 1996, c.258



C. Modification. The Special Permit Granting Authority, at its discretion, shall have the right to reduce the required minimum area of open space if all of the following conditions are met:

- (1) If one or more tracts, parcels or lots are required to be dedicated for public use or public purpose including, but not limited to, schools, fire stations, police facilities, libraries, or other similar municipal uses, but not including utility, sewer or storm water drainage easements; water or sewer improvements, roadways or any other recreational facilities or other similar dedication required by this bylaw.
- (2) If the area of open space shall not be less than 30% of the total area of the planned unit development.
- (3) If the total reduction in said open space shall not be greater than one acre or part thereof in open space for every one acre or part thereof of lands required for public uses or public purpose dedication.

**§ 415-53. Circulation and off-street parking requirements.**

- A. Off-street parking and loading facilities shall be provided in accordance with §§ 415-35 and 415-36 of this bylaw.
- B. Parking requirements. Parking spaces as set forth in the Zoning Bylaws are to be ten-foot width by twenty-foot length to nine-foot width by eighteen-foot length with a back-up area of 23 feet. Ratio of 30% compact cars to 70% full-size cars, where the compact car has a width of 8 1/2 feet by 16 feet length or less. All required parking areas shall be set back a minimum of 10 feet from any property line and that ten-foot setback will be properly landscaped. [Amended 5-5-2008 ATM, Art. 42]

**§ 415-54. Streets.**

All streets and roads, either dedicated public streets or privately owned and maintained or any combination thereof shall be subject to all Town bylaws and regulations as well as the laws of the Commonwealth of Massachusetts with regard to construction.

**§ 415-55. Other improvements.**

- A. All utility improvements including storm drainage systems, sanitary sewage collection and disposal and water supply systems shall be in accordance with the standards and procedures as established by other local, county, and state regulations. Said improvements shall be subject to review and approval by the Town Engineer and Town Boards, as well as appropriate county and state agencies.
- B. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system.

**§ 415-56. Review procedure.**

The submission and approval of any planned unit development shall be subject to all Town, County, and Commonwealth laws, rules and regulations governing the subdivision of land in the Town of Rockland and for purposes of such review a planned unit development shall be considered a subdivision of land.

**§ 415-57. Ownership of common land.**

Ownership of common land shall be in accordance with MGL c. 40A, § 9.

**ARTICLE VIII  
Site Plan Review**

**§ 415-58. General provisions.**

- A. Except as provided herein, no building, excavation, or foundation activities shall be initiated unless a site plan is first submitted and approved and a building permit is issued by the Building Inspector. No certificate of occupancy shall be given unless all constructions conform to the approved site plan.
- B. The following activities shall not require a site plan review or approval:
  - (1) The construction of accessory uses to single and two-family detached residences, such as: private garage, tool house, garden greenhouse, swimming pool or other similar use;
  - (2) Repairs or improvements to the interior of a building that do not involve a structural change or enlargement of the building as determined by the Building Inspector;
  - (3) Renovations or alterations to a building exterior that do not involve a major structural change or enlargement of the building as determined by the Building Inspector;
  - (4) The construction, renovation or alteration of single family residence, as they are defined in Article II of the Zoning Bylaw.
- C. The Building Inspector, at his discretion, may require a site plan review and approval if, in his judgment, the proposed construction, alteration or change of use will affect existing traffic circulation, drainage, landscaping, lighting, off-street parking, or other elements of the environment affecting the quality of life in the Town.
- D. Where a small addition (an addition to a principal building not to exceed 15% of the gross floor area of the existing use, or 2,000 square feet, whichever is less) to an existing structure is proposed, the standards established by this bylaw shall be applicable only to the new addition.

**§ 415-59. Site plan review and approval. [Amended 5-4-2010 ATM, Art 45]**

- A. Contents of site plan. The form, content, style, number of copies of plans and specifications, and the procedure for submission and approval of such plans and application shall follow the most current Rockland Planning Board rules and regulations for site plan requirements in effect at the time of the application for site plan approval. A copy of said rules shall be filed in the office of the Town Clerk.
- B. The reviewing authority shall evaluate each application on the basis of protecting the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, the provision of adequate services, and to preserve and enhance amenities of the Town. In addition to compliance with land space and building space requirements, each application shall provide for:
- (1) Protection of adjoining premises against detrimental or offensive uses on the site, including compliance with all dimensional requirements set forth in this bylaw, and provision of adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscaped buffer along the street frontage.
  - (2) Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements. Site plan review shall also include review of a traffic impact and assessment plan associated with the use which shall be certified by a professional engineer or an equivalent professional skilled and experienced in traffic impact and assessment and, where applicable, traffic signal operations.
  - (3) Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site.
  - (4) Adequacy of the proposed drainage system within and adjacent to the site to manage all increased runoff resulting from the development on site, and adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction. Site plan review shall also include review of drainage calculations and also a proposed operations and maintenance plan for the approved drainage system to be certified by a registered professional engineer.
  - (5) Compliance with Article V of this bylaw, including adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
  - (6) Adequacy of lighting, including compliance with Planning Board rules and regulations, such that all lighting and other sources of illumination, whether interior or exterior, and all intense light emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties.
  - (7) Building sites shall minimize any material or significant adverse impacts on steep slopes, floodplains, scenic views, grade changes and wetlands.
  - (8) Conformance with all appropriate provisions of the Zoning Bylaw except where variance from such provision is applied for and approved by the Board if authorized. All permits

issued under this bylaw shall be conditioned upon receipt of all other required permits including those of the Board of Health and Conservation Commission if necessary;

- C. As-built plans: Prior to the issuance of a certificate of occupancy, the owner shall provide as-built plans to the Town. The plans shall be prepared and stamped by a registered land surveyor and a professional engineer of the Commonwealth of Massachusetts certifying that the site plan has been built according to the approved plan and submitted to the Building Inspector and Planning Board. Such certification shall also include that the surface and subsurface drainage discharge has been installed according to the approved site plan. Field reports from the design engineer may be requested by the Building Inspector and Planning Board during construction for prior approval of changes from the approved site plan.

## ARTICLE IX

### Planned Residential Development for Seniors

#### § 415-60. Conditions of permitted use.

Planned Residential Development for Seniors (PRDS) may be allowed in appropriate area of any approved R-1 Residence, R-2 Residence, R-3 Residence, or R-4 Residence District by Special Permit only from the Planning Board as the Special Permit Granting Authority (SPGA), and must meet the following development standards.

#### § 415-61. Purpose.

To provide necessary housing for seniors 55 years of age or older in order to retain valuable familial and monetary resources to the Town.

#### § 415-62. Definition and occupancy qualification.

A PRDS is a development maintained and/or operated as a single unit, containing attached or detached buildings intended for housing persons aged 55 years or older, within the meaning of MGL c. 151B and 42 U.S.C. § 3607, and operated in compliance with the regulations of said statutes and corresponding regulations. Residents of a PRDS shall all be 55 years of age or older, provided, however, that the SPGA may grant a waiver from this requirement for a spouse who is less than 55 years of age.

#### § 415-63. General size of PRDS.

- A. Plot and lot sizes and dimensions, and the location and height of buildings, if meeting the standards of this bylaw, may be freely disposed and arranged provided the construction conforms to comprehensive plans approved, pursuant to this bylaw, by the SPGA. In reviewing and approving all plans, the SPGA, in addition to the standards set forth herein, shall utilize the Town standards of subdivision control as well as the opinions of the Town Engineer, the Town Planning Consultant and the Town Water and Sewer Consultants. The SPGA shall have full power to require modifications in the plan submitted by any applicant.

- B. No tract, parcel or lot, or tracts, parcels or lots shall contain less than 10 upland acres (non-wetland) of adjoining and contiguous land and shall contain sufficient access to a State Highway or to the Town road system as designated on the official or zoning map of the Town of Rockland as amended. For the purpose of this section, internal streets, proposed roads and rights-of-way shall not be deemed to divide acreage of a PRDS. The land within a PRDS that is granted a Special Permit under this section shall not be further subdivided, unless and until the Special Permit lapses. [Amended 5-4-2009 ATM, Art. 23]

**§ 415-64. Planning and design.**

The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent deemed feasible by the SPGA:

- A. Minimize obstruction of scenic views from publicly accessible locations.
- B. Preserve unique natural or historical features.
- C. Minimize tree, vegetation and soil removal and grade changes.
- D. Maximize open space retention.
- E. Maximize buffers to wetlands and water bodies.
- F. Maximize recreation amenities.
- G. Screen objectionable features from neighboring properties and roadways.

**§ 415-65. Dimensional requirements.**

- A. Boundary line setback requirements. All buildings, structures and uses shall be set back no less than 25 feet from all external streets.
- B. Internal street setback requirements. All buildings and structures for principal or accessory non-residential uses shall be set back no less than 25 feet from any public or private street within a PRDS.
- C. Minimum lot width: 110 feet.
- D. Maximum building area: 60% of the total upland land coverage.
- E. Distance between buildings: 25 feet between the sides of buildings, and 50 feet between the backs of buildings.
- F. Perimeter buffer area: 30 feet. The buffer area shall remain in its natural condition or be densely planted and in the opinion of the SPGA, provide suitable screening of abutting properties, except for access roadways. The SPGA may reduce the width of the buffer at appropriate locations, taking into account the character of open space use of abutting properties or the existence or requirement of buffer thereon.

**§ 415-66. Building and dwelling unit requirements.**

- A. No building or structure shall have a height greater than 36 feet or three stories.
- B. Dwelling units shall contain no more than two bedrooms. All dwelling units shall be detached or attached only along sidewalls in the so-called "townhouse" style, and no building shall contain more than four units. No mobile homes shall be allowed.
- C. Accessory buildings and structures for use by residents and their guests may be permitted, including clubhouse or community center, swimming pool, and tennis court, as well as storage and maintenance structures intended to service the PRDS. Such accessory buildings and structures shall be shown on the site plan.
- D. Multiple buildings shall be allowed on a single lot.
- E. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.

**§ 415-67. Land use density.**

The total number of dwelling units shall be limited to four units per upland acre. For purpose of the dwelling unit calculation, the land area used shall not include any wetlands as defined by the Massachusetts Wetlands Protection Act.\*

**§ 415-68. Total number of PRDS units in Town.**

The SPGA shall not approve a Special Permit for a PRDS which would cause the total number of PRDS dwelling units for which Special Permits have been issued (and for which the Special Permits remain in effect) to exceed 500 units in the Town of Rockland.

**§ 415-69. Open space.**

- A. Each PRDS shall develop and maintain the following required open space: One square foot of open space for each one square foot of total gross floor area of the PRDS, but in no event shall the total amount of open space be an area less than 40% of the gross upland (non-wetland) area. Areas occupied by a detention or retention basin shall not be included in the computation of required open space.
- B. Computation. Any required open space may include common recreation areas and required buffer areas (if upland) for computation purposes.

**§ 415-70. Circulation and off-street parking requirements.**

- A. Two parking spaces shall be provided for each unit in reasonable proximity to the dwelling, or in garages, plus four visitor parking spaces for every 10 units. The SPGA may require additional parking in proximity to any clubhouse or other facility serving residents in common.
- B. No parking shall be allowed on streets or ways within the PRDS.
- C. Parking areas, including maneuvering space for parking and loading areas, shall not be located in the thirty-foot pedometer buffer areas.

**§ 415-71. Streets.**

- A. Roads and driveways within a PRDS shall meet such width, grades, radius or curvature and construction standards as the SPGA shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the SPGA to meet site conditions and design requirements.
- B. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways through proper layout, location, design and detailing of facilities and dwellings.
- C. The development shall have access on roads having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the site, when added to the existing traffic stream.

**§ 415-72. Other improvements.**

- A. All utility improvements including storm drainage systems, sanitary sewage collection and disposal and water supply systems shall be in accordance with the standards and procedures as established by other local, county, and state regulations. Said improvements shall be subject to review and approval by the Town Engineer and Town Boards, as well as appropriate county and state agencies.
- B. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system.
- C. The development shall provide drainage and utilities functionally equivalent to that provided under the subdivision rules and regulations.
- D. Drainage shall be designed so that the rate of run-off shall not be increased, groundwater recharge is maximized, surface and ground water quality is maintained, and neighboring properties will not be adversely affected. The SPGA may require that existing problems on/or adjacent to the site be mitigated as a condition of approval of a Special Permit under this section. Open-air drainage facilities shall have a minimum thirty-foot landscaped buffer where abutting residential structures.
- E. All exterior lighting shall meet the provisions of the subdivision rules and regulations.

#### **§ 415-73. Review procedures.**

- A. The SPGA shall establish and publish a schedule of fees for the review of a PRDS.
- B. Whenever an application for a Special Permit is filed with the SPGA under this section, the SPGA shall transmit within 10 days of the filing of the completed application, copies of the application and other documentation to the Town Clerk and to the Zoning Board of Appeals, Water Commission, Sewer Commission, Board of Health, Conservation Commission, Building Department, Highway Department, Fire Department, Police Department, Town Engineer, Town Counsel, and Board of Selectmen for their consideration, review and report. The copies necessary to fulfill this requirement shall be furnished by the applicant upon submittal. Any such reviewing party to which Special Permit applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the SPGA and to the applicant. Failure of these reviewing parties to make recommendations within 35 days after having received copies shall be deemed a lack of opposition thereto.
- C. The SPGA may require the applicant to provide projections of traffic impacts, to aid the SPGA in determining whether the grant of the Special Permit would serve the purposes of the bylaw.
- D. The SPGA may engage, at the expense of the applicant, professional, technical, and/or legal consultants to review the application, pursuant to MGL c. 44, §§ 53.G and 53E 1/2.

#### **§ 415-74. Ownership of common land.**

Required open space shall be set aside as common land. Said common land shall either be conveyed in whole or in part to the Town of Rockland and accepted by it for park or open space use, or be conveyed to a nonprofit organization whose principal purpose is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of the dwelling units within the PRDS. The SPGA shall approve the form of ownership of the common land. The conveyance of conservation trail easements for the benefit of the public shall be encouraged, where appropriate. If the common land or any portion thereof is not conveyed to the Town of Rockland, a perpetual restriction, approved by the SPGA and enforceable by the Town of Rockland, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with the provisions for a PRDS and, if applicable, as further specified in the decision of the SPGA governing the individual PRDS. At the time of its conveyance, the common land shall be free of all encumbrances, mortgages, tax liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this bylaw.

#### **§ 415-75. Affordable units.**

At least 10% of the total number of units in the PRDS shall be developed as affordable housing for persons of low or moderate income, as defined under the regulations of the Department of Housing and Community Development, and shall meet the requirements for Local Initiative Program (LIP) units or otherwise qualify so as to be included in the computation of the total of affordable housing units in the Town of Rockland under the provisions of MGL c. 40B, §§ 20 to 23. The affordable units shall be marketed through a housing organization approved by the SPGA, and shall be subject to resale restrictions that assure continued affordability in perpetuity. The applicant shall submit copies of proposed deed riders and covenants to impose resale restrictions, conforming to state regulatory requirements for affordable units.



**§ 415-76. Time limits for construction.**

A Special Permit granted under this section shall lapse if construction has not begun within two years, or has not been completed within four years, from the date on which the decision of the SPGA is filed with the Town Clerk (not including time required to pursue or await the determination of an appeal pursuant to MGL c. 40A, § 17), except for good cause.

**§ 415-77. Assurance of performance.**

The SPGA may require as a condition of approval that building permits shall not be issued until all internal roadways, municipal services, and other required improvements shall have been completed, unless such completion has been secured by the deposit of a sum of money or negotiable securities sufficient in the opinion of the SPGA to secure said completion, and the applicant has entered into an agreement for the application of said funds to the cost of completion.

**§ 415-78. Operation and maintenance.**

The maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents shall be the sole responsibility of the owner of the PRDS or, if dwelling units are separately owned, of an association of the owners of the dwelling units, who shall be required to be members of said association. The SPGA may require the applicant to present copies of covenants and restrictions to be imposed on unit owners to assure their membership in the association. The Town of Rockland shall not be responsible whatsoever for the items listed herein, or any other project maintenance.

**ARTICLE X**  
**Performance Standards**  
**[Amended 5-4-2010 ATM, Art 44]**

**§ 415-79. Environmental performance standards.**

- A. Any use permitted by right or special permit in any district shall not be conducted in a manner as to it any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard, noise, vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid wastes; conditions conducive to the breeding of insects, rodents, or other substance; conditions or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:
- (1) Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.

- (2) All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
- (3) No activities that emit dangerous radioactivity at any point and no electrical disturbance adversely affecting the operation at any point of any equipment, other than that of the creator of such disturbance, shall be permitted.
- (4) No emission of visible smoke of a shade equal to or darker than No. 1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines shall be permitted for a period of aggregate period of time in excess of six minutes during any one hour, provided that at no time during said six minutes shall the shade, density or appearance be equal to or greater than No. 2 on the Chart.
- (5) No emission which can cause any damage to health or animals or vegetation or which can cause excessive soiling at any point shall be permitted.
- (6) No emission which contains particle matter shall exceed federal standards of the Environmental Protection Agency.
- (7) No facility regardless of its size shall discharge more than 40 pounds per hour of dust and fumes to the atmosphere.
- (8) No discharge of any material, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system in such a way, or of such a nature or temperature as may contaminate any running stream, water supply, water body, or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
- (9) No activity shall be permitted which causes or creates a vibration at any point on any lot line, with a displacement and respective frequency listed below.

**Maximum Permitted Steady State Vibration Displacement**

<b>Frequency (cycles per second)</b>	<b>Displacement (inches)</b>
10 and below	0.0008
10 to 20	0.0005
20 to 30	0.0003
30 to 40	0.0002
40 to 50	0.0001
50 to 60	0.0001
60 and over	0.0001

### Maximum Permitted Impact Vibration Displacement

Frequency (cycles per second)	Displacement (inches)
10 and below	0.0016
10 to 20	0.0010
20 to 30	0.0006
30 to 40	0.0004
40 to 50	0.0002
50 to 60	0.0002
60 and over	0.0002

#### (10) Noise.

- (a) Maximum permissible sound pressure levels for noise radiated continuously from a facility between 8:00 p.m. and 7:00 a.m. at any lot line shall be as follows.

Frequency Band (cycles per second)	Sound Pressure Level (decibel re 0.0002 dyne/cm <sup>2</sup> )
20 to 75	69
75 to 150	54
150 to 300	47
300 to 600	41
600 to 1,200	37
1,200 to 2,400	34
2,400 to 4,800	31
4,800 to 10,000	28

- (b) If this sound is not smooth and continuous, one of the following corrections should be added to each of the actual decibel levels given:

[1] Daytime operation only: plus five.

[2] Noise source operates less than 20% of any hour period: plus five.

- (11) No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 ounces per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association Inc., of Washington, D.C. shall be permitted.
- (12) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as welding, shall be permitted when it is determined that it will be hazardous or obnoxious.

- B. In the event of a conflict between the above performance standards and state standards, the standards of a duly organized regional authority, or local standards, the standards which are more stringent shall govern.

**§ 415-80. Sound.**

**A. Work Hours.**

- (1) The hours of work will be Monday through Friday, 7:00 a.m. to 6:00 p.m., Saturday, 7:00 a.m. to 3:30 p.m., no Sundays and no holidays. Following are the holidays to be observed: New Years, Martin Luther King Day, Presidents' Day, Easter, Patriot's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas, for a total of 12.
- (2) Any work that is needed after designated hours, on Sundays or holidays will require notification to the Zoning Enforcement Officer, the Planning Board Chairman and direct abutters 48 hours prior to work commencing.

**§415-81. Through 415-87. (Reserved)**

**ARTICLE XI  
Enforcement**

**§ 415-88. General provisions.**

- A. This bylaw shall be enforced by the Building Inspector as Zoning Enforcement Officer and, where pertinent, the two titles shall be considered interchangeable for the purposes of this bylaw.
- B. If the Zoning Enforcement Officer finds any activity in relation to land or buildings which is in violation of this bylaw, he shall send written notification of the violation to the owner and order that the activity in question be stopped immediately, giving the reasons for the order. The order may be made by the Zoning Enforcement Officer over his own signature or by the Town Counsel on his behalf and at his request. Appeal may then be made to the Board of Appeals as provided in Article XII.
- C. The Building Inspector shall grant no permit for the construction, alteration, relocation, occupancy, or use of any building or structure in violation of the provisions of this bylaw. Whenever a permit is refused, the reason therefore shall be clearly stated in writing.
- D. No building hereafter erected, altered or relocated shall be used and no change shall be made of the use of any building or of any parcel of land unless an occupancy permit signed by the Zoning Enforcement Officer has been granted to the owner of said land or building. An occupancy permit shall not be granted unless the proposed use of the land or building conforms to the regulations contained in this bylaw.

- E. No building shall be hereafter erected, altered or relocated and no change shall be made of the use of any building or parcel of land unless a building permit signed by the Building Inspector/Zoning Enforcement Officer has been granted to the owner of said land or building. No building permit shall be granted unless the proposed erection, alteration or relocation of the building conforms to the regulations contained in this bylaw.

**§ 415-89. Special permits.**

- A. A special permit shall be required to construct or otherwise establish any of the specific types of uses so identified within this bylaw which shall only be permitted upon issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the bylaw, and shall be subject to the specific provisions established herein. Such permits may also impose conditions, safeguards, and limitations on time or use.

B. Granting authority.

- (1) The Zoning Board of Appeals is designated as the granting authority for special permits as required under Article IV, Schedule of Permitted Uses, Uses Requiring Special Permit (except for Planned Unit Developments), § 415-22E, Land alteration regulations, and § 415-38, Shopping centers. Special permits may be granted upon application to the Zoning Board of Appeals and after consideration of recommendations as appropriate from other Town Boards and Agencies.

- (2) The Planning Board is designated as the Special Permit Granting Authority for Special Permits as required under Article VII, Planned Unit Developments, and Article IX, Planned Residential Development for Seniors, and as the reviewing authority for action under Article VIII, Site Plan Review.

- (3) The Special Permit Granting Authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the Town Clerk.

- (4) There shall be one associate member of the Planning Board, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with MGL c. 40A, § 9. The chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board. The associate member shall be appointed for a two-year term by the Board of Selectmen, in accordance with § C-2.02K of the Town Charter and § 139-2E of the Town Bylaws.

**[Added 5-5-2008 ATM, Art. 68]**

C. In considering each application for a special permit, the granting authority shall:

- (1) Conduct a public Hearing held within 65 days after filing of an application by certified mail with the granting authority, a copy of which shall also be sent by certified mail to the Town Clerk. The date of filing shall be the postmark date of the application. When an application requires a number of copies of plans, specifications, and other supporting documents, the

application shall be filed by mail as above, and the supporting data delivered by the applicant to the granting authority within five days of the postmark date of the application;

- (2) Take final action upon an application within 90 days following a public hearing for which notice has been given as provided in MGL c. 40A, § 11.

D. Revocation/lapse of special permits.

- (1) Any special permit shall be suspended or revoked for breach of the conditions contained therein.
- (2) Upon such revocation or suspension, the Granting Authority shall give written notice and reasons therefore to the permit holder. Upon such written notice, the Enforcement Officer shall issue an order to stop all activity under the permit.
- (3) The permit holder may, within 14 days, take action to eliminate the alleged breach of conditions and, by written request, may obtain an inspection by the Enforcement Officer. The latter shall immediately report his findings in writing to the Granting Authority, with a copy to the permit holder. If the alleged breach of conditions has been eliminated, the suspension or revocation of the permit shall automatically terminate as of the date of the Enforcement Officer's report. If the permit holder does not avail himself of the above procedure within the allotted time period, the permit shall be considered permanently revoked.
- (4) The stop order described above may be appealed to the Zoning Board of Appeals, as provided in Article XII of this bylaw. Pending the decision of the Board, the stop order shall remain in effect and all activity under the permit shall be suspended.
- (5) A special permit granted under this section shall lapse if a substantial use thereof has not commenced, or in the case of a special permit for construction, has not begun, within two years of the date of the permit, notwithstanding the provision of MGL c. 40A, § 9.

E. Permits by zoning enforcement officer in certain emergencies. Where an existing and occupied dwelling or structure has been accidentally damaged or destroyed by fire or other cause, the Zoning Enforcement Officer may issue a permit to the affected occupants for their temporary use of a mobile home, or other suitable shelter, on the premises so damaged or destroyed. Such permit shall be issued only to alleviate the immediate hardships caused by the unforeseen emergency, shall not be transferable, and neither the original permit nor any renewals thereof shall extend the use beyond six months from the date of the accidental loss, and shall be on such terms and conditions as the said Officer may prescribe.\*

F. [Deleted 5-6-2013 ATM, Article 34]

§ 415-90. Violations and penalties.

- A. Any person who violates any of the provisions of this bylaw shall be subject to a fine of \$300 per violation for each day of the violation or any successive day the violation (s)continue. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each bylaw provision violated shall constitute a separate offense. [Amended 5-4-2010ATM, Art. 36]

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7. Editor's Note: Original Section VII, C, Zoning Variances, of the Zoning Bylaw, which immediately followed this section, was repealed 5-15-2000 ATM, Art. 44.

- B. Refusal or neglect to comply at once with a stop order or the Building Inspector issued under the provisions of Chapter 40A of the General Laws or the provisions of this bylaw shall be considered an offense distinct in itself, and shall be subject to the enforcement provisions of said Chapter 40A and to the enforcement provisions of Subsection A above.
- C. Failure to obtain any building permit required under § 415-88E of this bylaw shall be considered an offense distinct in itself and shall be subject to an immediate fine equal in amount to two times the fee for the required permit.
- D. This bylaw may be enforced pursuant to the provisions of MGL c.40, § 21D by the Building Inspector, Zoning Enforcement Officer or other officer having police powers. **[Added 5-4-2010 ATM, Art. 36]**

## ARTICLE XII

### Board of Appeals and Procedure for Appeals

#### § 415-91. Board of Appeals.

A Board of Appeals consisting of five members and three associate members shall be appointed as provided in MGL c. 40A, § 12, as amended, which shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in said section and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land, and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

#### § 415-92. Procedure for appeals.

- A. Appeals may be taken to the Board of Appeals by any officer or board of the Town, or by any person aggrieved by any order or decision made under this bylaw by the Building Inspector or other officer or board of the Town, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk within 30 days from the date of the order or decision which is being appealed. **[Amended 5-14-2001 ATM, Art. 43]**
- B. The Board of Appeals shall have all of the powers and obligations provided in MGL c.40A, § 14, as amended, and shall hear all petitions and appeals in accordance with the provisions of this bylaw and MGL c. 40A, §§ 14, 16, and 17.

## ARTICLE XIII

### Design Review Board

#### § 415-93. Introduction.

- A. Duties.

(1) To review the plans concerning the quality of design relative to construction, site development and landscaping for all new, altered and/or renovated buildings of the types and/or within the districts hereinafter specified. **[Amended 5-7-2012 ATM, Art. 54]**

(2) The criteria to be applied are those specified in § 415-95B.

(3) The Design Review Board (DRB) shall complete their review within the review period specified in § 415-96C. The DRB shall issue a non-binding recommended opinion for the APPROVAL or DISAPPROVAL of said plans to the appropriate Rockland Town Boards of 1) Selectmen; 2) Town Clerk; 3) Planning Board; 4) Zoning Board of Appeals; and 5) Conservation Commission. In the event of a recommendation of DISAPPROVAL, the DRB shall specify their reasons for recommended DISAPPROVAL.

B. Membership. The Design Review Board membership shall consist of the five publicly elected and active members of the Rockland Planning Board.

#### **§ 415-94. Types of sites and properties.**

A. All commercial, industrial, public and institutional sites and/or buildings which are to be constructed, or substantially altered and/or renovated shall be subject to review by the DRB, regardless of their location in Rockland. In no case shall any site or building intended exclusively for the use of/as a single-family residence be subject to review by the DRB.

B. All sites and buildings, except those for single-family residence, located in the following districts are subject to review by the DRB.

(1) All Business Districts in Rockland.

(2) All Industrial Districts in Rockland.

(3) Any and all future Commercial, Business or Industrial Districts in Rockland.

(4) Any and all Planned Unit Developments, Apartment Complexes, Condominium Developments, Mobile Home Developments and Multi-Family Housing Developments in Rockland.

(5) Any other Districts that may be, in the future, created from the present Single-Family Residential Districts in Rockland.

#### **§ 415-95. Criteria. [Amended 5-7-2012 ATM, Art. 54]**

A. The DRB's central purpose is to avoid design that would have a negative affect and consequences for the residents of Rockland in general, for nearby residents, or for the remainder of the Districts involved. The DRB is precluded from mandating any official "aesthetic" for Rockland or for imposing the style, and/or character of any particular architectural or historical period.

B The following design criteria shall be used by the DRB in reaching its recommendation of APPROVAL or DISAPPROVAL. **[Amended 5-7-2012 ATM, Art. 54]**







- (1) The design for the proposed project shall not have a deleterious effect upon nearby properties, the balance of the District involved, or upon the design character of Rockland.
  - (2) Insofar as practicable, the proposed design shall preserve the landscape in its natural state by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring and abutting areas.
  - (3) Open space should be so designed as to add to the visual amenities of the vicinity for persons passing the site, persons within the site, and persons overlooking the site from nearby properties.
  - (4) Vehicular ingress, egress, access and parking and/or pedestrian circulation shall not adversely affect the use and enjoyment of nearby properties, or shall be in keeping with the standards of good design.
  - (5) Exposed exterior storage areas, machinery, service areas, loading areas, or utility structures shall be adequately screened and shall not be incongruous with the remainder of the proposed environment and its surroundings.
- C. The DRB may develop materials for the purpose of illustrating the design criteria set forth in Subsection B.

#### **§ 415-96. Powers and duties.**

- A. On the basis of the design criteria set forth in § 415-95B, the DRB shall review, advise and recommend upon:
  - (1) Site designs and plans.
  - (2) Building designs.
- B. The DRB shall work cooperatively with design professionals, landowners and developers and with the regulatory officers and boards of Rockland. Upon the request of design professionals, landowners and developers, or other parties, the DRB shall review and comment upon preliminary designs prior to the official and formal submission of proposals to the appropriate Town Board, Committee or Official.
- C. The Building Commissioner, the Planning Board and the Zoning Board of Appeals shall, within five days after receipt of any application or proposal, give notice to the DRB and shall provide the DRB with copies of the proposed plans. The initiating Board Official or Committee shall set a time (not less than 1/2 of its own established review period) for the DRB to review the proposal, discuss the design with the proponents and other interested parties, and issue a recommended opinion.
- D. Only after receipt and consideration, as well as public reading and publication, of the DRB's recommended opinion (or the expiration of the allowed review period), shall a Town Official or Agency grant a corresponding permit for site development or building construction for the properties specified in § 415-94.
- E. The DRB's recommended opinion, however, shall not be binding upon any board or Town Official under Subsection C. Such an opinion may be overruled by an overt public act by the official or

board, so long as the reasons are specified in writing, responding point to point to the DRB's recommended opinion, and that these written reasons are made part of the public record.

**§ 415-97. Meetings.**

Meetings of the DRB shall be posted and conducted in accordance with the "Open Meeting Law."\* Landowners and applicants for permits and approvals shall be invited to attend meetings of the DRB during which any proposal of their initiative, or on abutting property(s), will be under discussion. The Chairman or member of the DRB conducting each meeting shall, at the outset thereof, make a clear and concise statement of the purpose, the powers, and the duties of the Design Review Board.

**§ 415-98. Required information to be shown on plans.**

It is strongly recommended that 30 days before an applicant meets with the Zoning Board of Appeals, or Planning Board, that they meet with the DRB to discuss preliminary proposals. The following regulations and information is required on all proposals submitted for final approval to the Design Review Board.

**A. Site plans.**

- (1) Professional architect, engineer, landscape architect and/or registered land surveyor stamp.
- (2) Locus plan.
- (3) North arrow.
- (4) Building location - showing all setbacks, side yards and rear yards.
- (5) Vehicular circulation, parking, service, docks, etc.
- (6) Pedestrian circulation paths and walks.
- (7) Exterior storage areas.
- (8) Lighting locations, showing types, heights, and area to be covered.
- (9) Sign location, showing size, type, configuration, and construction method.
- (10) Size and location of all pad mounted electrical or mechanical equipment.
- (11) Size and location of all subsurface tanks, showing material, configuration, capacity, material held, and location of ancillary and support pumps, fillers and pads.
- (12) Existing and proposed grades.

**B. Landscaping plan.**

- (1) Botanical and common name of all new planting and vegetation.

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\* Editor's Note: See MGL c. 39, § 23

(2) Plans to scale.

(3) North arrow.

C. Building plans (floor).

(1) Door locations.

(2) Window locations.

(3) Steps, walks, platforms and docks.

(4) Handicapped ramps.

D. Building plans (exterior elevations).

(1) Door locations (man doors and overhead doors).

(2) Window locations.

(3) Exterior building material(s) including color proposed.

(4) Existing and proposed grades.

(5) Location of any and all rooftop mounted heating, ventilating and air conditioning equipment including exhaust stacks and antennae

(6) Call out elevations of finish grade, floors, top of roofs, ridges and parapets

#### ARTICLE XIV Construal of Provisions

**§ 415-99. Severability.**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**§ 415-100. Effect on prior actions.**

No provision of this bylaw or amendment thereof shall affect any permit issued or any building or structure lawfully begun before the first notice of hearing thereon before the Planning Board was given, except as provided in Chapter 40A of the General Laws, and any amendments thereto.

**§ 415-101. Greater restriction to control.**

When this bylaw imposes a greater restriction of the use of building, structures or premises or requires larger yards, or open spaces than are imposed or required by any regulations, or permits, or by any restrictions, easements, covenants or agreements, the provisions of this bylaw shall control.

ARTICLE XV  
**Repetitive Petition Acceptance of statute.**

**§ 415-102. Acceptance of statute.**

The acceptance of this bylaw includes the acceptance of MGL c. 40A, § 16, and any amendments thereof.

ARTICLE XVI  
**When Effective**

**§ 415-103. Effective date.**

This bylaw shall take effect upon adoption by the Town, the approval of the Attorney General of the Commonwealth of Massachusetts, and publication as provided by law.

Adopted: March 4, 1958

Effective: April 8, 1958

Amended Through: May 1, 2005

Amended through: May 4, 2009

Amended through: May 4, 2010

Amended through: May 2, 2011

Amended through: May 7, 2012

Amended through: May 6, 2013

2nd of 5/1/2015